



HUNGARY

ECPAT

COUNTRY OVERVIEW

*A report on the scale, scope and context of
the sexual exploitation of children*

FEBRUARY, 2021



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Preface

Recent years have seen unprecedented progress towards embedding the child's right to protection from sexual exploitation more deeply into the global agenda, no more so than the global mandate to eliminate the sexual exploitation of children (SEC) enshrined in the Sustainable Development Goals (SDGs) adopted by world leaders in 2015. ECPAT International's Country Overviews on SEC provide an effective tool for advocacy at all levels as well as for monitoring, including on government commitments made in the SDGs to end violence against children in all its different forms by 2030.

ECPAT Country Overviews are first and foremost, a desk review exercise that gather and present all the existing publicly available information into a comprehensive summary of all forms of SEC in a country. They do not contain any new primary data. They also provide an assessment of achievements and challenges in implementing counteractions – including the participation of children themselves – to eliminate SEC.

ECPAT Country Overviews also suggest concrete priority actions urgently needed to proactively advance the national fight against SEC and enable the monitoring of the implementation of international instruments on child rights related to sexual exploitation that have been ratified by the state. Furthermore, the ECPAT Country Overviews provide well-organised information and research, which can be used in preparing Alternative Reports and Additional Submissions to the Committee on the Rights of the Child and the Human Rights Council.

The ECPAT Country Overview for Hungary was prepared by the Hintalovon Childs' Rights Foundation - the ECPAT member in the country - in close cooperation with more than two dozen Hungarian professionals, authorities and organisations. ECPAT International provided guidance and assistance throughout conducting the research. Specific parts of the report have been written and revised by key Hungarian organisations and professionals dealing with specific forms of SEC.

At a Glance

Hungary is a central European country with a population of approximately 10 million of which 1.7 million are children. The few studies that explore the sexual exploitation of children in Hungary point out that the primary risk factors for vulnerable children are related to their socio-economic status, socialisation and the social and cultural environment in which they live. Poverty and especially deep poverty (multiple deprivations) are among the main factors leading to victimisation. Children and those who belong to the Roma minority are exposed much more to the risk of poverty compared to the rest of the population, which leaves them vulnerable to sexual exploitation.

Approximately more than 20,000 children live in institutional care. One third of the children living in institutional care have been removed from their families due to financial reasons. According to international and domestic studies as well as knowledge and experience of organisations working on the issue, children living in institutional care are at increased risk of falling victims of sexual exploitation. In the context of Hungary, and in line with the relevant international data, prior child abuse is also identified as a key risk factor for child sexual exploitation.

Hungary is a source, transit and to a lesser extent destination country for human trafficking. According to the statistics of the European Union, more than half of the identified Hungarian victims of human trafficking are children.

In Hungary several and continuous efforts are visible in the field of human trafficking, yet there

are still regulatory and practical gaps as well as controversies relating to the issue. The Hungarian legislation uses the term 'human trafficking' broadly, so several forms of sexual exploitation falls under the criminal description of human trafficking.

Until 2020 child victims of sexual exploitation were often treated as offenders for offering sexual services, disregarding their vulnerable situation. With the 2020 amendment of the relevant laws, general protection measures have to be applied when the police identifies a child exploited in prostitution and no infringement procedure can be initiated. Before the amendment, there were more children being subjected to infringement procedures for the offering of sexual services, than children considered as victims of sexual exploitation in criminal cases.

Although the 2020 amendment addressed several loopholes, there is still a need for further legislative changes to fully protect children from sexual exploitation. For instance, the Criminal Code should be further amended to align with the ratified international instruments and commitments. Moreover, despite continuous criticism from local NGOs and international bodies inappropriate and incorrect terminology is still used in laws and regulations when referring to sexual exploitation of children.

In 2019 Hungary introduced a wide national strategy against human trafficking for the years 2020-2023 with a special focus on child victims of human trafficking.

POPULATION

SOURCE: UNICEF (2019). *The State of the World's Children 2019*.

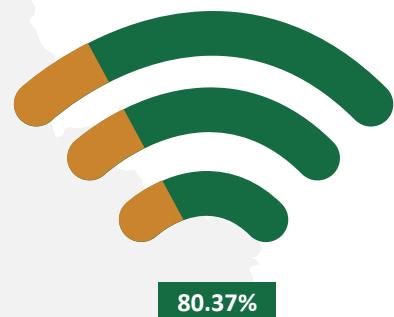
Children under 18 years



INTERNET ACCESS

SOURCE: ITU Statistics 2019: *Country Profile*

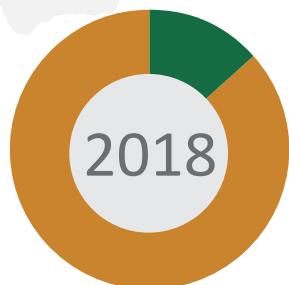
Have internet access



POVERTY RATE

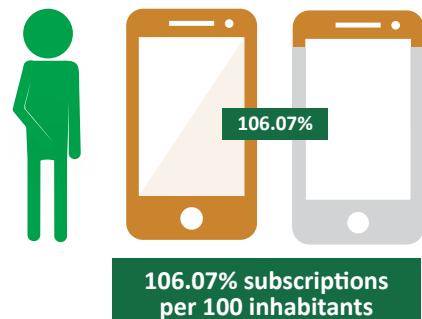
SOURCE: *Poverty & Equity Data Portal: World Bank*

Living under the national poverty line



MOBILE PHONE USERS

SOURCE: ITU Statistics 2019: *Country Profile*



CHILDREN'S RIGHTS UNDER THE LAW

	Girls	Boys
Age of consent for sex	14*	14*
Minimum age for marriage	16**	16**
Legal working age	16***	16***
Compulsory age of schooling	6-16	6-16

* with exceptions for peer relationships among children aged 12 and above but below 18

** with the authorisation of the guardian authority

*** during school holidays, a full-time student who reached the age of 15 can be employed

Introduction

COUNTRY OVERVIEW AND SPECIFIC VULNERABILITIES LEADING TO THE SEXUAL EXPLOITATION OF CHILDREN

Hungary is situated in Central Europe bordering Slovakia, Ukraine, Romania, Serbia, Croatia, Slovenia and Austria.¹ Hungary has a population of almost 10 million, 1,690,000 of which are under the age of 18.² The capital city is Budapest, which has a population of 1,750,216,³ so approximately 20% of the whole population resides in the capital. Hungary has been part of the European Union (EU) since 2004.⁴

The main ethnic group in the country is Hungarian. The law of the country recognises 13 ethnic minorities; however, the list can be formally expanded if new ethnic minorities are recognised. The Fundamental Law of Hungary states that the national minorities living in the country shall be constituent parts of the State.⁵ According to the latest census from 2011,

approximately 10% of the Hungarian population belongs to minority groups. The largest group is the Roma minority, which number 315,583 and in 2011 they constituted 3.2 % of the whole population.^{6,7} This official data is however often described as likely to be under-reported. According to research conducted between 2011-2013 by the University of Debrecen, the Roma population is estimated to be more than double that reflected in the census, approximately 876,000 people.^{8,9}

In 2020, the World Bank estimated that the GDP per capita in Hungary amounted to US\$ 16,476,¹⁰ which is amongst the lowest in the EU.¹¹ The Human Development Index ranked Hungary equal 43rd with Brunei Darussalam out of 189 countries, between Chile (42th) and Bahrain (45th).¹²

According to the 2018 Country Report for Hungary published by the European Commission, the overall poverty situation in Hungary is notably improving, but poverty risks faced by vulnerable groups remain high.¹³ Children, and particularly Roma people, remain

1 Encyclopedia Britannica. (n.d.). *Hungary*.

2 UNICEF. (2019). *The State of the World's Children 2019. Children, Food and Nutrition: Growing well in a changing world*. UNICEF, New York. 193.

3 Hungarian Central Statistical Office (HSCO). (2020). *Table 6.1.1. Residential population by sex, 1st January (2001-)*.

4 European Union. (n.d.). *Overview of Hungary*.

5 Article XXIX (1) of the Fundamental Law of Hungary

6 HSCO. (2011). *Table 2.3.1. Data on national minorities*.

7 This data collection relies on self-declaration.

8 Pénzes János, Tátrai Patrik, Pásztor István Zoltán. (2018). *Changes in the Spatial Distribution of the Roma Population in Hungary During the Last Decades*. TERÜLETI STATISZTIKA, 58 (1). pp. 3-26. ISSN 0018-7828

9 The survey is based on interviews with local governments, and if necessary with the local Roma minority governments. The professionals of these institutions relied on external signs of individuals to estimate the number of Roma minority at a locality.

10 The World Bank. (2020). *GDP per capita (current USD)*. – Hungary.

11 The World Bank. (2020). *GDP per capita (current USD)*. – European Union

12 United Nations Development Programme. (2019). *2019 Human Development Index Ranking*.

13 European Commission. (2018). *Country Report Hungary 2018*.

much more exposed to the risk of poverty than the rest of the population.¹⁴ In 2019, 21.6 % of children aged 0-16 and 23.5 % of those between the age of 16 and 24 were at risk of poverty or social exclusion compared to 18.9 % of the total population.¹⁵

The 2018 Country Report for Hungary also highlighted that households with children are more likely to be poor than those without children (29.6 % versus 23 %). Risk of poverty affects 38.4 % of families with more than 3 children and 62.3 % of lone parent families. Child poverty is linked with a range of risk factors, including risks of sexual exploitation.¹⁶ Parental background has a strong impact on educational performance and the children of low-skilled parents face a high risk of poverty.¹⁷ In 2019, 95,503¹⁸ Hungarian children were recognised as disadvantaged.¹⁹

According to the 2016 Microcensus the number of people with no more than primary level education in Hungary is 2,217,000.²⁰ The financial situation of a person or family is strongly linked to educational status.

In Hungary, the financial situation of a family is also correlated with the part of the country in which they live. The larger the population of a settlement is, the higher the income of the families living there. Indeed, the net monthly income per capita in 2018 was the highest in

Budapest (HUF 153,100, approximately US\$520 as of January 2021) and the lowest in the villages (HUF 104,300, approximately US\$350 as of January 2021). The vast majority of victims of trafficking - including for sexual exploitation - (not disaggregated by age) are from the north, north-west (Borsod-Abaúj-Zemplén county, Szabolcs-Szatmár-Bereg county) and south-west (Baranya county, Tolna county) regions of the country.²¹ These regions are listed amongst the most underdeveloped regions in the entire EU.²²

The risk of becoming a victim of sexual exploitation is higher for children who have been removed from their families and live in institutional care.^{23,24} In Hungary, the proportion of Roma children living in institutional care is significantly higher than the proportion of Roma children in the Hungarian population as a whole.²⁵ Concerns have been raised that living conditions and limited monitoring in Hungarian institutions can enable both girls and boys to be recruited by external partners into sexual exploitation.²⁶

Educators and social workers working in institutions say that the main problem regarding the issue of victimisation in prostitution is that when a vulnerable child is removed from the family and placed into institutional care it is often too late: since they have already suffered traumas, become victims and had a number of psychological and behavioural problems that

14 *Ibid.*

15 EUROSTAT. (2019). *People at risk of poverty or social exclusion by age and sex*.

16 ECPAT International (2016) *Power, Impunity and Anonymity*, pp.42-44.

17 European Commission. (2018). *Country Report Hungary 2018*.

18 HSCO. (2019). *Table 6.2.5.3. Disadvantaged children, children under guardianship and taken into protection 31 December (2013–)*.

19 A declaration of a status of disadvantage or cumulative disadvantage may be requested from the guardianship authority through an administrative procedure. The guardianship authority examines the educational level and employment of the parent or foster parent, the housing conditions and living environment. Disadvantaged and cumulatively disadvantaged children have the right to receive increased assistance to overcome conditions that hinder their development and increase their chances. This is reflected, for example, in higher financial support, free school meals.

20 HSCO. (2017). *Microcensus 2016. 4. Data on education*.

21 European Commission. (n.d.). *Together Against Trafficking - Hungary*.

22 Eurostat. (2019). *Regional GDP per capita in the EU in 2017 based on the Nomenclature of Territorial Units for Statistics (NUTS 2016)*

23 Baracsi Kitti, Katona Noémi, Sebhelyi Viktória, Vidra Zsuzsanna. (2015). *Child trafficking in Hungary: Sexual exploitation, forced begging and pickpocketing*. Central European University, Budapest.

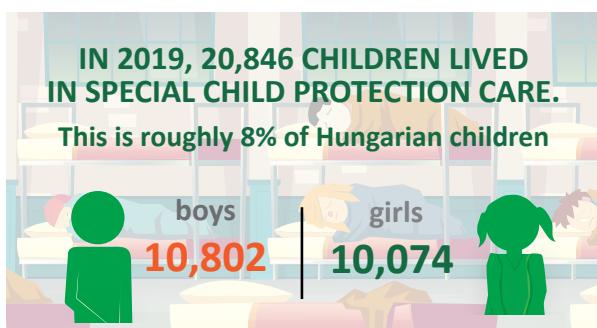
24 LUMOS Foundation. (2020). *Cracks in the system: Child trafficking in the context of institutional care in Europe*. 6. Lumos Foundation.

25 European Roma Rights Centre. (2007). *Dis-Interest of the Child -Romani Children in the Hungarian Child Protection System*. ERRC, Budapest.

26 LUMOS Foundation. (2020). *Cracks in the system: Child trafficking in the context of institutional care in Europe*. 30. Lumos Foundation.

are difficult to handle.^{27,28} In the specialist child protection system, there are few specialists (psychologists, caregivers) and few therapeutic and retention services available, meaning qualified support is not consistently available to children.²⁹ The role of the child protection system is to prevent victimisation, however due to the shortcomings in resourcing, this is not guaranteed.^{30,31} In this environment it is immensely hard to provide the necessary care and holistic approach towards institutionalised children to prevent victimisation and in certain cases re-victimisation.

One third of children in State out-of-home care are removed from their families due to financial reasons.³² In 2017, the Ombudsman found that this practice was incompatible with the obligations laid down in the Convention on the Rights of the Child and seriously infringed the right of the children to be brought up in a family and the right to protection and care.³³ In 2019 the number of children living in special child protection care³⁴ was over 20,000. In 2019, 20,846 children, 10,802 boys, and 10,074 girls lived in special child protection care.³⁵ This is roughly 8% of Hungarian children.



The number of child victims of criminal offences closely linked to sexual exploitation – namely human trafficking, procurement, living on the earnings of prostitution, offences related to child sexual abuse materials and exploitation of children in prostitution - is growing significantly each year. In 2019, this accounted to a total of 225 victims of such crimes.³⁶ This number represents reported and prosecuted crimes, but these crimes commonly go unreported so the likely number of victims is far higher.

A part of the Eastern Mediterranean migration route, the Balkan migration route crosses Hungary at Subotica/Szeged. Since 2015, around one and a half million people from the Middle East, West and South Asia and the Horn of Africa have travelled along this route in order to enter the EU and apply for asylum or remain without regular immigration status.³⁷ In the context of Hungary, no statistical data exists on the number of migrant children falling victims of sexual exploitation and human trafficking, however it is notable that a high number of vulnerability factors are present in the lives of migrant girls and boys as well.³⁸

As a result of the domestic criticism received from NGOs, the results of the latest Trafficking in Persons Report (TIP report), reports of the Group of Experts on Action against Trafficking in Human Beings and the concluding observations of the Committee on the Rights of the Child (CRC), the Government of Hungary has made significant efforts on the area of the elimination of child sexual exploitation and the protection and identification of victims. Educational programmes on approaches to preventing

- 27 Baracsi Kitti, Katona Noémi, Sebhelyi Viktória, Vidra Zsuzsanna. (2015). *Child trafficking in Hungary: Sexual exploitation, forced begging and pickpocketing*. Central European University,48-50.: Budapest.
- 28 Hatvani Erzsébet Dr., Sebhelyi Viktória, Vaskuti Gergely. (2018). *Gyermeekprostitúció visszaszorítása, gyermekkereskedelem*. Budapest: Directorate-General for Social Affairs and Child Protection, 53.
- 29 *Ibid.*
- 30 *Ibid.*
- 31 Hintalovon Child Rights Foundation. (2017). *Child Rights Report Hungary 2016*. Hintalovon Foundation: Budapest, 29.
- 32 Office of the Commissioner for Fundamental Rights. (OCFR). (2017). *Report of the Commissioner for Fundamental Rights in case No. AJB-2026/2017*.
- 33 *Ibid.*
- 34 In line with Act XXXI of 1997 on the Protection of Children and Guardianship Administration special child protection care should be provided to children temporarily placed in institutional care, to children placed in long-term care, to young adults receiving aftercare, and to children in need of child protection care of other reasons. Care can be provided in an orphanage, at foster parents or in an institution providing care.
- 35 HSCO (2019). *Table 6.2.5.4. Data on children living in institutional care*.
- 36 Unified Investigation and Prosecution Crime Statistics. (2020). Number of child victims of SEC related crimes.
- 37 Healy, C. (2019). *The Strength to Carry On: Resilience and Vulnerability to Trafficking and Other Abuses among People Travelling along Migration Routes to Europe – Briefing Paper*. 30. ICMPD: Vienna.
- 38 *Ibid.*

sexual exploitation were more frequently provided to staff working in social services and law enforcement.³⁹ Multiple laws have been modified to ensure the wider protection of victims of sexual exploitation and the adequate response of the law enforcement when encountering child sexual exploitation.

Despite these Government actions, there are still areas relating to SEC where further development is crucial. The limited data and information on the topic are scattered across different governmental bodies and authorities. Furthermore, coordination and cooperation between these bodies are not ensured.

³⁹ Hungarian Baptist Aid. (2020). Personal Communication.

The context of the sexual exploitation of children in Hungary

EXPLOITATION OF CHILDREN IN PROSTITUTION^{40,41}

Article 2 (b) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC) defines 'child prostitution' as "the use of a child in sexual activities for remuneration or any other form of consideration".⁴²

In Hungary, as in most other countries around the world, cases of exploitation of children in prostitution are often hidden from the authorities, in part due to the latency stemming from the nature of the crime and the shortcomings of the domestic referral system.⁴³ Until 2020, children involved in prostitution

could be reported and treated as perpetrators of prostitution offences. This meant they were less likely to seek help, and therefore contributed to the secrecy of the crime.⁴⁴

The Ombudsman⁴⁵ investigated exploitation of children in prostitution and what actions are taken by the competent authorities in both 2011⁴⁶ and 2018.⁴⁷ Findings showed there were cases of children as young as 11-13 years old being sexually exploited in prostitution, but it was more present in connection with the age group of 14-18 years.^{48,49} The 2018 investigation focused on the most affected eight counties of the 19 counties of Hungary, the capital, and institutional care facilities open to victims of sexual exploitation.

Based on the experience of professionals discussed in the Ombudsman Investigation⁵⁰ and the small number of research findings in

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- 40 ECPAT prefers the term 'exploitation of children in prostitution' instead of 'child prostitution' in line with the recently widely adopted Terminology Guidelines. Interagency Working Group on Sexual Exploitation of Children. (2016, January 28). *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse*. 30. Bangkok: ECPAT International.
- 41 The current Hungarian legislation uses the term 'child prostitution', despite professional organisations in Hungary repeatedly drawing attention to the importance of using the correct terminology. In the report, we will use the term 'child prostitution' if the law or regulation to which we refer to also uses this term.
- 42 UN General Assembly. (2000, May 25). *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*. (A/RES/54/263). Art. 2(b).
- 43 Baracsi Kitti, Katona Noémi, Sebhelyi Viktória, Vidra Zsuzsanna. (2015). *Child trafficking in Hungary: Sexual exploitation, forced begging and pickpocketing*. Budapest: Central European University.
- 44 Act V of 2020 on the amendments of certain regulations necessary to combat the exploitation of victims of trafficking.
- 45 In Hungary the Office of the Commissioner for Fundamental Rights (OCFR) fulfills the role of the Ombudsman.
- 46 OCFR. (2011). *Report of the Commissioner for Fundamental Rights in case No. AJB-2031/2011*.
- 47 OCFR. (2019). *Report of the Commissioner for Fundamental Rights in case No. AJB-1485/2018*.
- 48 *Ibid.*
- 49 During the preparation of the report, OCFR posed questions to several regional child welfare services, orphanages, national, county and Budapest police headquarters and district police headquarters.
- 50 OCFR. (2019). *Report of the Commissioner for Fundamental Rights in case No. AJB-1485/2018*.

Hungary,^{51,52,53} deep poverty and the presence of prior abuses are assumed to be the main vulnerability factors leading to victimisation.⁵⁴ Abused, neglected, disadvantaged children, children affected by or at risk of deviance and crime⁵⁵ and minors in basic and specialised institutional care are at particular risk of sexual exploitation,⁵⁶ and the limited evidence available confirms this to be the case in known cases in Hungary of children being sexually exploited in the context of prostitution.

Cases of suspected exploitation of children in prostitution originating from child protection institutions and correctional facilities have only been collected separately since the 1st of January 2019 within the framework of reports of child sexual abuse or suspected child sexual abuse.⁵⁷ In the previous year all cases of sexual exploitation in prostitution were collected as child sexual abuse.

According to this, in 2019, 119 children and young adults up to 24 years old in State institutional care became victims of sexual abuse or were suspected victims of sexual abuse and 10 of the children were suspected of being exploited in prostitution.⁵⁸

According to the official data of the Unified Investigation and Prosecution Crime Statistics, the joint data collection of the Ministry of the Interior and the Office of the General Prosecutor on closed criminal proceedings conducted in relation to crimes specified in the Criminal Code,

8 out of 11 registered crimes of the exploitation of children in prostitution were prosecuted in 2019.⁵⁹ This suggests that not all reported cases of exploitation of children in prostitution reach the prosecution phase of the criminal procedure, (or that cases are finalised in a different year than when the investigation take place).

According to the 2015-2016 EU statistics (the latest available), 615 Hungarian children were registered as victims of sexual exploitation in the analysed two-year period.⁶⁰ Compared to the 2019 Hungarian data mentioned in section 1 above, this number is very high. However, EU statistics at the national level are difficult to compare as less disaggregation of the data is provided than with the Hungary prosecution data. At the EU-level data is collected in only the broader category of sexual exploitation, and only divided by gender and age and not by type of exploitation.⁶¹

The small amount of official data and the limited existing research on the extent and causes of exploitation in prostitution suggests that children falling victim of this phenomenon in the majority of cases come from poverty, marginalised and disadvantaged backgrounds.⁶² It is visible that physical, psychological and emotional violence and neglect was often also part of their life prior to victimisation in prostitution.⁶³

51 Baracsi Kitti, Katona Noémi, Sebhelyi Viktória, Vidra Zsuzsanna. (2015). *Child trafficking in Hungary: Sexual exploitation, forced begging and pickpocketing*. Budapest: Central European University.

52 Hatvani Erzsébet Dr., Sebhelyi Viktória, Vaskuti Gergely. (2018). *Gyermekprostitúció visszaszorítása, gyermekkereskedelem*. Budapest: Directorate-General for Social Affairs and Child Protection.

53 Previous research materials, and ombudsman reports have repeatedly highlighted that children in special or institutional care (outside their families, in state care) are particularly at risk, so the small number of researches available focus on child care institutions and the children living there, excluding other areas from the studies.

54 Baracsi Kitti, Katona Noémi, Sebhelyi Viktória, Vidra Zsuzsanna. (2015). *Child trafficking in Hungary: Sexual exploitation, forced begging and pickpocketing*. Budapest: Central European University.

55 *Ibid.*

56 Hatvani Erzsébet Dr., Sebhelyi Viktória, Vaskuti Gergely. (2018). *Gyermekprostitúció visszaszorítása, gyermekkereskedelem*. Budapest: Directorate-General for Social Affairs and Child Protection.

57 Ministry of Human Capacities. (2020). Request for data of public interest.

58 *Ibid.*

59 Unified Investigation and Prosecution Crime Statistics. (2019). ‘Exploitation of child prostitution’.

60 European Commission.(2018) *Data collection on trafficking in human beings in the EU*. Luxembourg: Publications Office of the European Union

61 *Ibid.*

62 Baracsi Kitti, Katona Noémi, Sebhelyi Viktória, Vidra Zsuzsanna. (2015). *Child trafficking in Hungary: Sexual exploitation, forced begging and pickpocketing*. Budapest: Central European University.

63 *Ibid.*

ONLINE CHILD SEXUAL EXPLOITATION (OCSE)

Online child sexual exploitation (OCSE) can include child sexual abuse/exploitation material (CSAM/CSEM),⁶⁴ live streaming of child sexual abuse, online grooming of children for sexual purposes, sexual extortion of children and various CSAM/CSEM-related conducts (production, distribution, downloading).⁶⁵ Article 2 (c) of the OPSC defines ‘child pornography’ as “any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes”.⁶⁶

During the preparation of this report, the Hungarian public was strongly moved by the so-called Kaleta case,⁶⁷ which gave unprecedented media publicity to the phenomenon of online child sexual exploitation. In the Kaleta case, the perpetrator was prosecuted for the possession of more than 19,000 child sexual abuse materials.⁶⁸ The case also drew attention to the problems of the criminal justice system, notably that there is no judicial practice regarding the punishment of such crimes. It also raised awareness on the global challenge of online child sexual exploitation.

According to a survey in 2017 prepared for the National Media and Infocommunication Authority (NMIA),^{69,70} containing the latest relevant data,

2% of the surveyed children between the age of 11 and 16 encountered sexual content online that made them uncomfortable; 9% of them have been approached online by a stranger to become their friend; 3% of them met someone online pretending to be their age who tried to befriend or trick them; and 4% reported that someone had come on too strong and pushed them to send photos or other personal information.⁷¹

According to another survey carried out at the request of the NMIA,⁷² 60% of Internet users responding to the survey (total of 4000 participants) over the age of 16 have recently encountered text or images on social media or other website that they considered objectionable, such as content harmful for children, fake news and content promoting physical violence.⁷³ On a positive note, 83% of the respondents from the same age group know that these contents can be reported on the site where they occur, and 23% of them had already reported contents.⁷⁴

‘Hungarian Teens on the Internet’, a 2019 study by BeSocial, found that 39% of the more than 9000 teens under 18 surveyed had already been asked for a sexual photo in a chat conversation, as had 33% of the respondents under the age of 14 (whose total number is not indicated in the survey). 7% of all respondents complied with the request.⁷⁵ The research indicated that one in every 10 boys and one in every 20 girls responded to the request.⁷⁶

Hungary is a member of the WePROTECT Global Alliance, which commits the country to actions which identify and protect child victims of online sexual exploitation and intercept perpetrators.^{77,78}

⁶⁴ ECPAT prefers the terms ‘child sexual exploitation material’ or ‘child sexual abuse material’, but in a legal context still uses ‘child pornography’ in line with the recently widely adopted Terminology Guidelines, 40.

⁶⁵ ECPAT. (n.d.). *Issues we work on*. Bangkok: ECPAT International.

⁶⁶ OPSC, Article 2(c).

⁶⁷ Hungary Today. (2020). *Hungarian Ambassador Charged with Child Pornography Pleads Guilty in Court*.

⁶⁸ *Ibid.*

⁶⁹ On behalf of the NMIA. (2017). *Media use, media consumption, media literacy research with children and their parents*.

⁷⁰ 2000 children between 7 and 16 and their parents participated in the survey. The child as well as his/her parent filled out one question sheet each. According to the survey, due to the random selection, based on gender, age, settlement type and region the survey is representative to the total child population of Hungary.

⁷¹ On behalf of the NMIA. (2017). *Media use, media consumption, media literacy research with children and their parents*.

⁷² NMIA. (2019). *Research on the users of electronic communications market*.

⁷³ *Ibid.*, 84.

⁷⁴ *Ibid.*, 86.

⁷⁵ BeSocial. (2019). *Hungarian Teens on the Internet 2019*.

⁷⁶ *Ibid.*

⁷⁷ European Commission. (n.d.) *We protect global alliance to end child sexual exploitation online*.

⁷⁸ Global Alliance against Child Sexual Abuse. (2014). *Hungary Commitments Report*.

Hungary has been a member of INHOPE, the International Association of Internet Hotlines, since 2012, through two hotline platforms, the Safe Internet Hotline⁷⁹ and the Internet Hotline (IH),⁸⁰ which is operated by the NMIA. The Safe Internet Hotline, operated by the International Children's Safety Service, became a member of INHOPE in 2012.

URLs including CSAM found during Internet browsing can be reported to the IH information and assistance service operated by the NMIA.⁸¹ If a prosecutable crime is suspected based on such reports, the NMIA forwards all information to the police. If the NMIA identifies the likelihood of online sexual exploitation of children or the dissemination of material depicting sexual exploitation of children,⁸² the NMIA forwards the available information, not only to the police, but to INHOPE as well. According to INHOPE's 2019 global statistics, 92% of the content analysed by hotlines classified as suspected online child sexual exploitation material depicted children between the ages of 0-13 and 91% depicted girls.⁸³

The latter figure is in line with the data provided by the Office of the Prosecutor General, according to which in 2019, 92% of victims of the crime of 'child pornography', as defined by the law (see legal section of this report for more details), were girls.⁸⁴ There is a striking trend in the increase of the proportion of victims between ages 14 and 17,⁸⁵, which anecdotally may also indicate that the numbers of proceedings are initiated due to intimate recordings shared during sexting, since this conduct also falls under the criminal regulation on 'child pornography'.⁸⁶

The proportion of reports of 'paedophile content', as CSAM are referred to in the IH's records, submitted to the IH has increased significantly over the last decade. In 2011 7.7% of all reported contents were reported as 'paedophilia content' compared to 41.6% in the first half of 2020 alone. Nearly a quarter (23.7%) of the reported 'paedophilia content' is determined to be CSAM by the NMIA.⁸⁷

PERCENTAGE OF CONTENT REPORTED TO THE INTERNET HOTLINE CONSIDERED AS 'PAEDOPHILIA CONTENT'



SALE AND TRAFFICKING OF CHILDREN FOR SEXUAL PURPOSES

The Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol), defines 'trafficking in persons' as "the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs".⁸⁸

79 BIZTONSAGOSINTERNET.HU. (n.d). *Safe internet hotline*.

80 NMIA. (n.d). *Internet Hotline*.

81 Section 149/B-D. of Act C. of 2003 on Electronic Communications

82 INHOPE. (n.d.). *What is child sexual abuse material?*.

83 INHOPE. (2019). *Annual Report 2019*.

84 Unified Investigation and Prosecution Crime Statistics. (2019). *'Child pornography'*

85 *Ibid.*

86 Pro Bono Child Rights Center of Hintalovon Foundation. (2020). Personal Communication.

87 NMIA. (2020). Request for data of public interest.

88 UN General Assembly. (2000, November 15). *United Nations Convention against Transnational Organized Crime, Annex 2: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol)*. Res. 55/25 of 15. Art. 3 (a).

In case of child victims, Article 3 (c) of the Protocol specifies that “the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered ‘trafficking in persons’ even if it does not involve any of the means stipulated in Article 3 (a)”.⁸⁹ In other words, the Protocol recognises that children can never be willing participants to their own exploitation.

For its part, the OPSC deals with the ‘sale of children’, defined as “any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration”.⁹⁰

Both concepts are often used in conjunction and without any clear distinction. However, despite a certain overlap, ‘sale of children’ is not identical to ‘trafficking’. The ‘sale of children’ always involves some form of commercial transaction, which trafficking in children does not require, but does not necessarily include the purpose of exploiting a child (e.g. sale of children for illegal adoption). Therefore, ‘sale of children’ is not necessarily related to sexual abuse and sexual or other forms of exploitation. Lastly, the ‘sale of children’ can take place without physically moving the child out of his/her social environment, whereas trafficking inherently depends on the movement of the child.⁹¹

EU statistics regard Hungary primarily as an origin and transit country, from where most victims of human trafficking are trafficked to Switzerland, the Netherlands, Germany, Austria and the United Kingdom.⁹²

In 2015-2016, with reference to the nationality of the registered victims of human trafficking 96% of all the Hungarian victims were being trafficked for sexual purpose⁹³ and 89% being women.⁹⁴ According to the same statistics, most of the registered child victims in the EU during the period 2015-2016, were of Hungarian nationality (647 out of 1310), and 86% of them were girls.⁹⁵ More than half of the Hungarian victims of human trafficking for sexual purposes (64%) registered in the same period were children, 7.4% of all victims, and approximately 71 children were under the age of 11.⁹⁶

According to the 2016 data of Hungary of the 2018 UNODC Global Report on trafficking in persons, there were more child than adult victims in the period under study,⁹⁷ and more minor girls than adult women were trafficked for the purpose of sexual exploitation.⁹⁸

In 2014-2017 the number of cases of exploitation of children in prostitution was significantly lower than the number of 14-18-year-old minors prosecuted as perpetrators of illicit prostitution proceedings, and almost no children appeared as victims of human trafficking from this age group.⁹⁹ This shows how children were being treated as perpetrators of prostitution, not as victims of sexual exploitation.

89 *Ibid.*, Article 3 (c).

90 OPSC, Article 2 (b).

91 ECPAT International. (2016, January 28). *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse*. 58. Bangkok: ECPAT International.

92 European Commission. (2015). *Study on high-risk groups for trafficking in human beings. Final report*. Luxembourg: Publications Office of the European Union.

93 European Commission. (2018). *Data collection on trafficking in human beings in the EU*. Luxembourg: Publications Office of the European Union., 55.

94 *Ibid.*, 57.

95 *Ibid.*, Table 3.8.7.

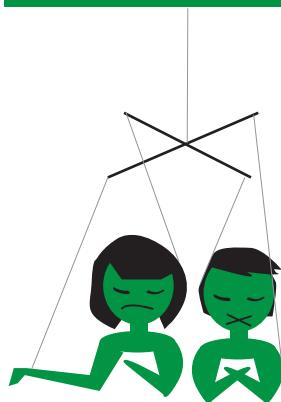
96 *Ibid.*, Table 3.6.

97 UNODC. (2018). *Global Report on trafficking in persons 2018*. Vienna: United Nations Office Drugs and Crime.

98 *Ibid.*

99 Varga-Sabján Dóra, Sebhelyi Viktória (2018). *Child prostitution - Situation in Hungary from a human rights and psychological point of view*. Fundamentum.

IN THE PERIOD 2015-2016, OUT OF 1,310 REGISTERED CHILD VICTIMS OF TRAFFICKING IN THE EU



647
WERE OF
HUNGARIAN
NATIONALITY

According to the two latest US TIP reports of 2019¹⁰⁰ and 2020,¹⁰¹ in many key areas the Hungarian Government does not meet the minimum standards identified as essential to fight human trafficking. Services provided for the victims are rare, uncoordinated and unsatisfactory - especially for children in state institutional and other care facilities and for foreign victims without legal residence status.¹⁰² The 2020 TIP report highlighted that these particularly vulnerable groups are further discriminated against, as they are not included in the identification mechanism for victims of trafficking.¹⁰³

It is crucial to harmonise Hungarian data collection with the EU on the topic of human trafficking, and take every measure necessary to ensure that no victim is ever treated and identified as a criminal. The phenomenon of child trafficking for the purpose of sexual exploitation has been addressed in several legislation amendments and in the national strategy as well (see later sections of this report). It is however

crucial to ensure that the legislative developments appear in practice as well.

SEXUAL EXPLOITATION OF CHILDREN IN TRAVEL AND TOURISM (SECTT)

The sexual exploitation of children in travel and tourism (SECTT) is defined as any "acts of sexual exploitation embedded in a context of travel, tourism, or both".¹⁰⁴ The UNWTO Framework Convention on Tourism Ethics recognises that the exploitation of children conflicts with the fundamental aims of tourism and should be strongly combated with the cooperation of all the States concerned.¹⁰⁵

With the opening of borders across Europe, travel became cheaper and as a result, by 2013, tourism became one of the largest and fastest-growing industries.¹⁰⁶ This story rings true for Hungary as well.¹⁰⁷ Tourism in Hungary makes a significant contribution to the economy. According to the latest available statistics from the Hungarian Central Statistical Office, revenues from tourism in 2017 made up 6.5% of the GDP.¹⁰⁸ In 2019 the number of guests in commercial accommodation reached 12.8 million and the number of guest-nights approached 31.3 million, approximately half of which was spent by foreign guests.¹⁰⁹

As of January 2021, eleven international companies operating in Hungary have signed the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism ('The Code'), such as the Marriott International and Airline Ambassadors International. Despite

100 United States Department of State. (2019). *Trafficking in Persons Report*.

101 United States Department of State. (2020). *Trafficking in Persons Report*.

102 *Ibid.*

103 *Ibid.*

104 ECPAT International, Defence for Children, Ministry of Foreign Affairs of the Netherlands. (2016, May). *Offenders on the Move: Global Study on Sexual Exploitation of Children in Travel and Tourism*. Bangkok: ECPAT International.

105 UNWTO. (2019). *UNWTO Framework Convention on Tourism Ethics*. UN Doc. A/RES/707(XXII). Art. 5 (3).

106 ECPAT International, Defence for Children, Ministry of Foreign Affairs of the Netherlands. (2016. May). *Offenders on the move: global study on sexual exploitation of children in travel and tourism*. Bangkok: ECPAT International.

107 Hungarian Tourism Agency. (2019). *In 2019, Hungarian tourism again set a record*.

108 HSCO. (2017). *Table 4.5.27. Tourism Satellite Accounts*.

109 Hungarian Tourism Agency. (2019). *In 2019, Hungarian tourism again set a record*.

the high numbers of tourists visiting the country, no local company is amongst the signatories of the Code¹¹⁰ emphasising the need for stronger commitments from the travel industry to ensure children are protected from exploitation in travel and tourism.

There is no domestic data available on SECTT, given that the collection of data is conducted according to the regulations in the Criminal Code, which does not define sexual exploitation in this specific context as a separate crime. Domestic data collection at popular tourist destinations would also be hampered by the blurred boundaries between the demand for sexual services in connection with travel and tourism activities, and the sexual exploitation in prostitution. However, it's important to point out that Budapest has a significant appeal for offenders as a frequented destination for tourism, summer vacation and sports events, in particular Lake Balaton, the surrounding areas of nightclubs in Budapest, the 'party district' or 'party hood' and Formula-1 racing venue.^{111,112,113} The growth of travel and tourism carries specific risks for children, since it gives multiple opportunities for perpetrators to reach out to children.¹¹⁴ In Hungary, it was not possible to identify any domestic measure taken in order to protect children from the threats that the growth in travel and tourism may pose.

Despite the growing number of tourists entering the country the government does not address the issue of SECTT in any way. It is crucial that research is conducted to identify the risk factors

and estimate how exposed Hungarian children are to this issue. Since the COVID-19 pandemic forced a pause in international and national tourism, the resumption of tourism in the upcoming period would be a great opportunity to place Hungary on a new footing with increased focus on the protection of children.

CHILD, EARLY AND FORCED MARRIAGE (CEFM)

The Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse (Luxembourg Guidelines) define 'child marriage' as "a marriage in which at least one of the parties is a child. It also refers to the act of marrying children, usually young girls, with or without their consent".¹¹⁵ Some forms of child marriage are related to commercial sexual exploitation of children, in cases where child marriage is linked to forced child labour, slavery and bondage, servitude or payment of a dowry.¹¹⁶

In Hungary, girls belonging to the Roma minority are understood to be most at risk of suffering the negative consequences of CEFM.¹¹⁷ However due to privacy protections, the data available on this phenomenon in Hungary is not disaggregated by nationality, and limited research is available on this topic.

110 The Code. (n.d). *Members - Hungary*.

111 From time to time, the news reports on the sexual exploitation of children and the uncovering of criminal organizations appear such as: Blikk. (2020). *"Child Prostitution in Downtown Budapest: the Gang Forced the Young Girls to Do Terrible Things"*.

112 "To facilitate the safe running of the 2006 FIFA World Cup, including the prevention of prostitution tourism, The Director General of Police of the National Command of the Border Guard, the Director General of Law Enforcenet of the ORFK and the Director General of the Office of Immigration and Citizenship - at the request of the German authorities and in connection with the "FIFA 2006" action of the European Border and Coast Guard Agency (Frontex Agency) - have issued a joint measure." See *Government Decree 1018/2008. (III. 26.) on the National Strategy against Trafficking in Human Beings, 2008-2012*.

113 Balogi Anna, Sebhelyi Viktória, Sik Endre, Szegő Dóra. (2006). *Report on the demand side of sexual services in Hungary*. Prepared for IOM by the ICCR-Budapest Foundation.

114 ECPAT International, Defence for Children, Ministry of Foreign Affairs of the Netherlands. (2016. May). *Offenders on the move: global study on sexual exploitation of children in travel and tourism*. Bangkok: ECPAT International

115 ECPAT International. (2016, January 28). *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse*. 63.Bangkok: ECPAT International.

116 ECPAT International and Plan International. (2015). *Thematic Report. Unrecognised Sexual Abuse and Exploitation of Children in Child, Early and Forced Marriage*. Bangkok: ECPAT International.

117 OECD. (2014). *Social Institutions and Gender Index Hungary -2014 Results*.

Within the Roma community, two types of child marriages can typically occur. One is being arranged by the parents and the other is when the young couple gets married without parental permission.¹¹⁸ Child protection professionals anecdotally report tensions can exist when addressing child, early and forced marriages, as communities can characterise such practices within cultural contexts and challenging this directly can be complex.¹¹⁹ Engaging communities to challenge harmful actions, but respect cultural context is time-consuming and difficult – but it is possible – and is needed to bring about changes to CEFM.

In Hungary, every year since 2012, approximately 3% of those who get married are under the age of eighteen.^{120,121} According to the Hungarian Central Statistical Office, in 2018, similarly to the previous four years, 370 girls and 33 boys under the age of eighteen got married.^{122,123} In the majority of the cases, the age difference between the bride and the groom was not bigger than 6 years (both parties were between the ages of 17 and 23). However, there were weddings where the brides were significantly (up to 30-40 years) younger than their future husband.¹²⁴ In these cases, it is questionable how much influence the minors had in the process of getting the legal permission needed in order to acquire a marriage license and whether the marriage was in the best interest of the child, as required by the relevant provisions of law.¹²⁵ In these instances there is a serious

possibility that children are victims of forced marriage.¹²⁶ An article based on information shared by UNICEF Hungary shines light on the connection between child marriages and human trafficking. The article notes that it can be easy to cover up the human trafficking of exploited girls with marriage in Hungary.¹²⁷

A high level of latency is typical when it comes to unofficially marrying off children under the age of 16 by their parents, even though this form of marriage is not permitted by the authorities or law. There are no statistics available on this phenomenon.¹²⁸ This shows that the legal response alone is not going to be adequate. Communities also need to be educated and informed to avoid the continuance of ‘unofficial marriages’, which might be registered later when it is legal for both parties to enter into an official marriage.

It is crucial to amend legislation so there are no exceptions allowing child marriages and to initiate research in this area to understand the causes and motivation behind the phenomenon, with a special focus on cultural practices related to CEFM within Roma communities in order to address the issue appropriately.

¹¹⁸ WHO. (n.d.) WHO Regional Office for Europe. *Those most at risk: Roma girls of eastern Europe and child brides in central Asia*. WHO Regional Office for Europe.

¹¹⁹ European Roma Rights Centre. (2011). *Romani Children in Institutional Care*. 45. European Roma Rights Centre, Bulgaria Helsinki Committee, Milan Šimečka Foundation and osservAzione.

¹²⁰ HSCO. (2020). Request for data of public interest.

¹²¹ Marossy Kriszta. (2020). *Chidren Forced to Get Married in Hungary and Around the World -In Search of the Lost Years*. WMN Magazine.

¹²² HSCO. (2020). Request for data of public interest.

¹²³ Szilvia Gyurkó (2018). *Child marriages in Hungary, there is one every day*.WMN Magazine.

¹²⁴ HSCO. (2020). Request for data of public interest.

¹²⁵ Government Decree No. 149/1997. (XI.10.) on the Guardianship Authorities, Child Protection and Guardianship Procedures

¹²⁶ Marossy Kriszta. (2020). *Chidren Forced to Get Married in Hungary and Around the World -In Search of the Lost Years*. WMN Magazine.

¹²⁷ *Ibid.*

¹²⁸ Máté Zsolt. (2020). Personal Communication. Technical Manager/Leader at INDIT Public Foundation TÉR Social Services, he made the observation that in his experience dealing with child marriages, Roma girls between the ages of 12-15 are overrepresented.

International, Regional and National Commitments and Legislation on the Sexual Exploitation of Children

International, regional and national commitments and legislation on sexual exploitation of children

Status of ratification of relevant international and regional instruments, reporting to human rights bodies and engagement with the special procedures of the Human Rights Council	
International Instruments	Date of ratification/ accession
Convention on the Rights of the Child - 1989	7 October 1991
Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography - 2000	24 February 2010
ILO Convention on the Worst Forms of Child Labour - 1999 (No. 182)	20 April 2000
UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and children – 2000 (supplementing the UN Convention against Transnational Organized Crime)	22 December 2006

Status of ratification of relevant international and regional instruments, reporting to human rights bodies and engagement with the special procedures of the Human Rights Council	
Regional Instruments	Date of ratification/ accession
2002/629/JHA: Council Framework Decision of 19 July 2002 on combating trafficking in human beings, Council of Europe	Not ratified
Council framework Decision 2004/68/JHA of 22 December 2003 on combating the sexual exploitation of children and child pornography, Council of Europe	Not ratified
Council of Europe Convention on Cybercrime (Budapest Convention)	4 December 2003
Council of Europe Convention on Action against Trafficking in Human Beings (Warsaw Convention)	4 April 2013
Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention)	3 August 2015

Status of ratification of relevant international and regional instruments, reporting to human rights bodies and engagement with the special procedures of the Human Rights Council		
Regional Instruments		Date of ratification/accession
Human Rights Bodies		Comments
Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA		Implemented
Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA		Implemented
Committee on the Rights of the Child (CRC review)	15 July 2020	<p>At the last review on CRC's concluding observations related to SEC were:</p> <ul style="list-style-type: none"> ▪ The Committee is concerned about the lack of information on a national strategy for the prevention and treatment of violence against children, including sexual violence. ▪ “Collect data on children’s rights in all areas of the Convention, disaggregated by age, sex, disability, geographic location, ethnic origin, national origin and socioeconomic background, and on the basis of that data identify children in situations of vulnerability”.¹²⁹ ▪ “To fully implement the prohibition of the separation of children from their families and their placement in alternative care on the basis of the economic situation of those families, through comprehensive program”.¹³⁰
Committee on the Rights of the Child (OPSC review)	15 July 2020	<p>CRC's concluding observations related to SEC were:</p> <ul style="list-style-type: none"> ▪ Amend the Criminal Code in order to extend the increased protection from sexual violence committed against children to all children under the age of 18 years. ▪ “Make the legal amendments necessary to ensure that all children subject to any form of sexual exploitation (and not just prostitution), sale or trafficking are treated as victims and not are subjected to criminal sanctions.”¹³¹ ▪ Ensure the development of comprehensive strategies and coordination mechanisms to prevent and address SEC. ▪ Conduct more research on the identification of SEC and its handling in child protection care.

¹²⁹ United Nations, Committee on the Rights of Child. (2020). *Concluding observations on the sixth periodic report of Hungary, CRC/C/HUN/CO/6.*

¹³⁰ *Ibid.*

¹³¹ *Ibid.*

Human Rights Bodies	Date of latest submitted report	Comments
		<ul style="list-style-type: none"> ▪ Establish protective measures for children in State care institutions, in particular Roma children, to reduce their vulnerability to sale, sexual exploitation and trafficking. ▪ Ensure the proper investigation of all offences under the Optional Protocol, and ensure that perpetrators are prosecuted and duly sanctioned. ▪ Continue strengthening training programmes on SEC and consider adopting a national protocol in this regard.¹³²
Human Rights Council – Working Group on the Universal Periodic Review	8 July 2016	<p>Key recommendations included:</p> <ul style="list-style-type: none"> ▪ Widen the scope of international obligations through accession the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. ▪ “Raise the legal age of marriage for women and men to 18 years.”¹³³

International and regional commitments

International commitments	
Commitment	Start date
WePROTECT Global Alliance to End Child Sexual Exploitation Online	2014
Regional commitments	
Commitment	Start date
The Hague Programme: strengthening freedom, security and justice in the European Union.	2004

With reference to Hungary’s international commitments to protect children from sexual exploitation, beyond the instruments listed above, it is also worth noting that although Hungary signed the Council of Europe Convention on preventing and combating violence against women and domestic violence (also known as the Istanbul

Convention) on 14th of March 2014, the Hungarian Parliament ultimately refused to ratify it in a political declaration adopted on 5th of May 2020.¹³⁴

In 2018, Hungary submitted a voluntary national review on the implementation of the Sustainable Development Goals, which however does not contain an explicit reference to the sexual exploitation of children, but does refer to human trafficking and its child victims.¹³⁵

¹³² *Ibid.*

¹³³ Human Rights Council. (2016). Report of the Working Group on the Universal Periodic Review: Hungary, A/HRC/33/9.

¹³⁴ Parliament Polls. (05.05.2020. 10:28:06). P/10393 *On the importance of protecting children and women and refusing to accede to the Istanbul Convention.*

¹³⁵ Ministry of Foreign Affairs and Trade of Hungary. (2018). *Voluntary National Review of Hungary on the Sustainable Development Goals of the 2030 Agenda – Transformation towards sustainable and resilient societies 2018.*

NATIONAL LEGISLATION

No definition of the child is included in the Fundamental Law of Hungary or in any other national Act, so the Hungarian law follows the definition set out in the Convention on the Rights of the Child,^{136,137,138} i.e. all persons below 18 years of age are considered children.

According to the Criminal Code most crimes implicate a more severe sentence if they are committed against persons under 18, 14, or 12. This also applies to SEC-related crimes.¹³⁹ In most cases, the lower limit of the penalty for acts constituting some form of SEC is a two year sentence.¹⁴⁰ Five years is the lower sentence for the crime of human trafficking committed against a minor for the purpose of sexual exploitation.¹⁴¹ According to the amended provisions of the Criminal Code, entered into force on 21 December 2014, violent sexual offences against minors committed after the amendment are exempt from the statute of limitations. However, the amended provision is not retroactive and only applies to acts committed after its entry into force.¹⁴² Recidivism is generally considered to be an aggravating factor in Hungarian criminal law, but in many provisions related to SEC, more serious regulations on recidivists are set out as separate, aggravated cases.¹⁴³

Hungary does not keep a public record of sex offenders. The Ministry of Interior runs a criminal database,¹⁴⁴ however that is not public. Persons included in the register may not hold positions that are conditional on a Certificate of Good Conduct.¹⁴⁵

The Criminal Code prescribes that a perpetrator of the criminal offence of endangering a minor shall be prohibited from engaging in any occupation or other activity in the course of which he or she is educating, supervising, caring for, or treating a person under the age of 18 or has any other relationship of power or influence with such person.¹⁴⁶ However, in certain cases requiring special equity, the mandatory application of a ban on occupation may be dispensed with. This is of immense importance regarding recidivism, as the provision does not fully guarantee that former offenders will not take up a position or job in which they come into close contact with minors.¹⁴⁷ In addition, a problem in the application of the law is that the courts often do not generally ban the convicted person from contact with children, but where appropriate, only from occupying a profession as a teacher. Based on this, convicted offenders can still hold other jobs where they come into close contact with children.

Exploitation of children in prostitution

Prostitution is legal in Hungary, but the person selling sexual services must comply with very strict regulations.¹⁴⁸ In terms of third parties the Criminal Code criminalises every act which indicates that the person selling sexual services is not carrying out these activities with her or his full, voluntary and deliberate consent, this person is a child, or that the earnings go to anyone but the person selling sexual services.¹⁴⁹ The Criminal Code contains regulations prohibiting the procuring, the facilitation of prostitution and living on the earnings of prostitution.¹⁵⁰ The Infringement Act contains that the person selling sexual services will have to comply with the regulations of the local

136 *Act LXIV of 1991 on the implementation of the Convention on the Rights of the Child*.

137 *Hungarian Civil Code*. Section 2:10. 3.

138 *Act XXXI of 1997 on the Protection of Children and the Guardianship Administration*.

139 *Hungarian Criminal Code*. (2012). Section 192. (5a); 201. (2); Section 200. (2)

140 *Ibid.*

141 *Hungarian Criminal Code*. (2012). Section 192. (5). 58.

142 *Hungarian Criminal Code*. (2012). Section 26. (3c). 6.

143 *Hungarian Criminal Code*. (2012). Section 200. (5b); Section 201. (4); Section 203. (5)

144 *Act XLVII of 2009 on the Criminal Registration System, on the Registration System of Court Decisions against Hungarian Nationals by the Court of another EU Country, and on the Registration System of Criminal and Biometric Data*.

145 *Ibid.*, Section 71. (4) (a).

146 *Hungarian Criminal Code*. (2012). Section 52. (4). 13.

147 *Ibid.*

148 Boglárka Fedorkó. (2017). *Hungary: Navigating sex-work regulations*. World Policy.

149 *Hungarian Criminal Code*. (2012). Section 200-204. 60-62.

150 *Ibid.*

governments' rules on the provision of sexual services.¹⁵¹ In case of breaching these regulations an individual faces infringement procedures, and the outcome of these procedures might be fines or in certain cases detention.¹⁵² In Hungary an association for the protection of sex workers, the SZEXE, the Association of Hungarian Sex Workers operates.¹⁵³

In 2020, the Constitutional Court of Hungary emphasised that the proper development of a child is adversely affected by his or her direct involvement in prostitution in connection with the child's right to protection and necessary care for his or her physical, mental and moral development,¹⁵⁴ as stated both in the Fundamental Law¹⁵⁵ and the Child Protection Act.¹⁵⁶ Thus, the state's institutional protection obligations play a particularly important role regarding the issue of exploitation of children in prostitution. Due to the seriousness and complexity of the issue it is difficult to create appropriate criminal regulation in regard to the sexual exploitation of children. Four different conducts included in the Criminal Code can be linked to this crime. Procuring of a person for sexual activities,¹⁵⁷ the exploitation of children in prostitution,¹⁵⁸ the facilitation of prostitution (which includes inducing any person, adults and children, to engage in prostitution as well as providing establishments where the prostitution can happen)¹⁵⁹ and human trafficking, since the Hungarian legislation uses the term of human trafficking broadly, several acts of child sexual exploitation in prostitution falls under

the criminal category of human trafficking.¹⁶⁰ The existence of multiple applicable provisions creates a number of difficulties for law enforcement, as several offences are involved in one single case which poses a challenge to distinguish between different crimes due to the unclear and incoherent wording of the Criminal Code.¹⁶¹

In 2018, the Office of the Prosecutor General issued guidelines to prosecutors on the separation of the crime of human trafficking and procuring of a person for sexual activities. According to the guidelines, all the County Attorney General's Offices have retrospectively reclassified the crime of procuring as a crime of human trafficking that is more severely punished. Ongoing cases were also reviewed accordingly.¹⁶²

Unlike the Criminal Code, until July 2020 the Infringement Act considered persons offering sexual services under the age of 18 purely as offenders.¹⁶³

The Ombudsman drew attention to the anomaly arising from the provisions of the Infringement Act on illicit prostitution in his 2011¹⁶⁴ and 2018¹⁶⁵ reports: if a person violating the prohibitions relating to the provision of sexual services specified in the Infringement Act (e.g. outside of tolerance zone in public or without a medical certificate), legal procedure was initiated regardless of their age. In order to resolve this contradiction – after both

151 Section 172 (1) of the *Act II of 2012 on the Infringement Act*.

152 Section 7 of *Act II of 2012 on the Infringement Act*.

153 SZEXE. (n.d) *Association of Hungarian Sex Workers*.

154 Constitutional Court. (2020). *Resolution no. 18/2020. (VII. 21.) Paragraph 48.*

155 Human Rights Council. (2016). *Report of the Working Group on the Universal Periodic Review: Hungary, A/HRC/33/9.*

156 Article 6. of *Act XXXI of 1997 on the Protection of Children and the Guardianship Administration*.

157 *Hungarian Criminal Code*. (2012). Section 200 (2-6). 60.

158 *Ibid.*, Section 203.

159 *Ibid.*, Section 201. (2).

160 *Ibid.*, Section 192.

161 As several professionals approached in the course of the drafting of this report pointed out it is important to mention that in recent years both legislators and law enforcement noticed this shortcoming. The 2018 guideline of the Office of the Prosecutor General on procuring and human trafficking provided assistance in demarcation issues. In order to avoid demarcation problems, to strengthen the recognition of the phenomenon and to strengthen the co-operation of professional systems, the Horizontal Department of Anti-Trafficking of the Ministry of the Interior organizes Attitude-forming trainings for police officers, prosecutors and judges. Furthermore, in 2020, the President of the Curia set up a case law analysis group to examine the case law on the interpretation of the crime of human trafficking.

162 Dr. Habil. Bárándi Gergely. (2019). *Emberkereskedelem vagy gyermek sérelmére elkövetett kerítés? – Egy legfőbb ügyészszégi irányelvmutatás értelmezéséről*.

163 Section 7 and 8 of *Act V of 2020 on the amendments of certain regulations necessary to combat the exploitation of victims of trafficking*.

164 OCFR. (2011). *Report of the Commissioner for Fundamental Rights in case No. AJB-2031/2011.*

165 OCFR. (2019). Report of the Commissioner for Fundamental Rights in case No. AJB-1485/2018.

international and domestic criticism – the Government amended the Infringement Act as of 1 July 2020. It now states that a person under the age of 18 cannot be sentenced for violating the prohibition on offering sexual services. In addition, legal proceedings cannot be initiated if it is established on the scene that the person concerned is under 18.¹⁶⁶ The law also states that in order to protect a child, the police must take immediate general protection measures¹⁶⁷ and arrange placement for the child and notify the guardianship authority.¹⁶⁸

Online child sexual exploitation (OCSE)

There is no separate definition in Hungary for child sexual abuse material.

According to the Criminal Code, pornographic recording means a video, film or photo recording or any image recording produced by any other means, depicting sexuality in a grossly indecent manner for the purpose of arousing sexual desire. Pornographic show refers to an act or performance representing sexuality in a grossly indecent manner for the purpose of arousing sexual desire.¹⁶⁹ This definition is not in full compliance with that provided by the OPSC, since the OPSC refers to any representation by whatever means, which could include not only visual materials but also audio, written and drawing material as well.¹⁷⁰

According to the Criminal Code, the offence of ‘child pornography’ is committed by a person who has in his or her possession, obtains, produces, offers, supplies or makes available, distributes, deals with or makes pornographic recordings of a person or persons under the age of 18 in any way.¹⁷¹

Unlike in many other countries, the Hungarian legislation also penalises the mere possession (with no intent to distribute) of pornographic recordings of a person under the age of 18.¹⁷²

It constitutes an aggravated crime if the person committing the criminal offence does it to the detriment of a child under his or her care, custody, supervision or receives medical treatment from them, or the abuse is carried out from a recognised position of trust, authority or influence over the victim.¹⁷³

According to Hungarian regulations, sexting among peers can also fall under the definition of pornographic material described above.¹⁷⁴

The conduct when an adult pretending to be an adolescent extorts an intimate image of a minor during online grooming may also fall under the criminal offence of ‘child pornography’,¹⁷⁵ since the Criminal Code does not specify the means of acquiring the image from the child.¹⁷⁶ However the conduct of online grooming is not a separate crime.

Sale and trafficking of children for sexual purposes

The Hungarian legislation uses the term ‘trafficking’ broadly. Under its definition fall several SEC related conducts and other forms of SEC as well. A person who, for the purpose of exploitation, sells, buys, exchanges, hands over, receives, recruits, transports, accommodates, harbours or, for another, acquires another person may be held criminally liable for the crime of human trafficking.¹⁷⁷ The Criminal Code makes no distinction as to whether the act includes trafficking across countries or

166 Section 172. (2)-(3) of the *Infringement Act*.

167 According to Section 76 / B of the Act XXXI of 1997 on the Protection of Children, in order to protect a person under 18 (a child who is a suspected victim of human trafficking) who violates the prohibition on offering sexual services, in line with the provisions relating to the general protection measures the police must place him or her to the designated special home. If the child has priorly been placed at a designated home, the police has to transfer him or her there.

168 Section 172. (4). of the *Infringement Act*.

169 *Ibid.* Section 204. (7).

170 *Hungarian Criminal Code*. (2012). Section 204. 62.

171 *Ibid.* Section 204. (1). 62.

172 *Ibid.*

173 *Ibid.* Section 204. (2). 62.

174 *Ibid.*

175 *Ibid.*

176 *Ibid.*

177 *Ibid.*, Section 192. (2). 57.

within the country's borders.¹⁷⁸ In contrast with the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, the Hungarian legislation does not require specific 'means' (e.g. coercion, abduction, deception, use of force, etc.) to be used to realise the conduct both when the victims are adults as well as when they are children.

Whilst the "sale" of minors is included as a prohibited act under article 192 (1) a) on the trafficking of human beings, it is not defined as a standalone offence. The conduct of offering and inviting to engage in prostitution a person under the age of 18, is criminalised under Article 200. (2), and the delivering of a child for sexual purposes is criminalised under Article 200. (4) a) of the Criminal Code, under the offence of procuring.

From the provisions of the Criminal Code, it is clear that all the punishable conducts provided by the OPSC are criminalised, however not in a consistent manner. Many difficulties in distinction between these conducts and controversies arise from the inadequate arrangement of the regulations. This makes the prosecution of the conducts specified by the OPSC difficult, and it contributes to the latency of these crimes.

Law amendments of the year 2020 introduced the definition of "alleged victim of trafficking in persons" for persons under 18 who is in violation of the prohibition on offering sexual services according to the Enforcement Act. The introduction of the definition provides a wider opportunity for child victims to receive assistance.¹⁷⁹

Accordingly, the police apply general protection measures to protect alleged victims of trafficking, i.e. the police place the suspected victim in a designated special children's home on a temporary basis and transport the child who has already been brought up and has a

temporary care place or care to the designated special home.¹⁸⁰

Sexual exploitation of children in travel and tourism (SECTT)

The Hungarian Criminal Code does not provide a specific, separate definition for the crime of sexual exploitation of children in the travel and tourism sector. Similarly, the Hungarian government decrees on tour operations and travel agency services do not contain provisions specifically aimed at preventing SECTT.¹⁸¹

Only a private individual can be the accused of a criminal proceeding, however, according to Act CIV of 2001 on criminal proceedings against a legal person, certain measures specified in the Act (fines, restrictions on activities, termination) may be applied in the case of intentional criminal offences specified in the Criminal Code¹⁸²

These measures are applicable if the offence was intended for or resulted in gaining advantage for the legal entity, or the offence was committed using the legal entity and was committed within the scope of operations of the legal entity by or with the knowledge of persons specified by law.¹⁸³

Therefore, tour operators and travel agencies, as legal entities, may be subject to certain sanctions if criminal offences related to SEC and criminalised in Criminal Code occur within the scope of their operations.

Child, early and forced marriages (CEFM)

In Hungary, the minimum age for marriage for both men and women is 18 years of age. However, a child who has reached the age of 16 may marry with the prior consent of the guardianship authority,¹⁸⁴ which operates under the local government offices.

¹⁷⁸ *Ibid.*

¹⁷⁹ Section 76 / B. of Act XXXI of 1997 on the Protection of Children and the Guardianship Administration. see also: Act V of 2020 on the amendments of certain laws necessary to combat the exploitation of victims of trafficking.

¹⁸⁰ Section 76 / B. of Act XXXI of 1997 on the Protection of Children and the Guardianship Administration.

¹⁸¹ Government Decree No. 213/1996. (XII. 23.) on travel agency activities.

¹⁸² Section 3. (1) of Act CIV. of 2001 on Measures applicable to legal entities under Criminal Law

¹⁸³ *Ibid.*, Section 2. (1) and (2).

¹⁸⁴ Hungarian Civil Code. Section 4:9. 109.

The guardianship authority shall grant prior permission for marriage if the marriage is in the best interests of the child, the application for permission has been submitted by the child without influence on his or her free will and, and if certain conditions prescribed by law are met.¹⁸⁵ The latter conditions include a certificate of a general practitioner stating that the child “has reached the physical and mental development necessary for the marriage”. The family protection services may also be involved in the examination (the couple must attend counselling).¹⁸⁶ The child’s emotional and psychological maturity is not examined in the authorisation procedure.

It is questionable whether there can be a case where the marriage is in the best interests of the child. In this regard, it is troubling that one of the preconditions for granting a guardianship permit is that the early marriage is in the best interests of the child. There are no statistics on children under the age of 18 living in a registered partnership, which is partly due to the fact that Act V of 2013 on the Civil Code does not specify the age from which a registered partnership can be established.¹⁸⁷

In its concluding observations on Hungary’s 6th period report on the implementation of the CRC, the UN Committee on the Rights of the Child drew the Hungarian Government’s attention to necessary changes to the Civil Code in order to prevent a child under the age of 18 from marrying with a guardianship permit.¹⁸⁸

In Hungary, forcing a child into marriage does not constitute a standalone crime; therefore, such cases typically remain latent. Experts approached in the course of drafting this report described a case where a 12-year-old girl was

sold by her family to the groom’s family and an informal ‘wedding’ was held, but the allegation of human trafficking could not be established due to lack of evidence.¹⁸⁹ Theoretically it is conceivable that in certain cases judicial practice may criminalise the coercion of a child to marry and categorise it as the crime of endangering a child.¹⁹⁰

Extraterritorial jurisdiction and extradition law

In determining the territorial and personal scope of the Criminal Code the principle of territoriality,¹⁹¹ the active personality principle, the principle of a state’s right to self-defence and - in the case of certain criminal offences - the principle of universality also apply. Acts constituting SEC are not amongst those where Hungary exercises the principle of universality.¹⁹²

According to the active personality principle, criminal proceedings may be initiated against acts committed by a Hungarian citizen abroad that are punishable under Hungarian law, regardless of whether the given act is punishable under the law of the State where the crime was committed.¹⁹³ The Hungarian legislation positively does not apply the principle of double criminality, which might be detrimental to the prosecution of SEC offences especially in cases where the perpetrator travels to a country other than theirs.¹⁹⁴

According to the passive personality principle, an act against Hungarian law committed abroad detrimental to a Hungarian citizen can be prosecuted.¹⁹⁵ However in this case, the decision on criminal proceedings can only be ordered by the Prosecutor General of Hungary. In the

185 Decree 149/1997 (IX.10) on guardianship authority and child protection and guardianship authority procedures. . Section 34-35.

186 Gyurkó Szilvia. (2018). *Minden napra jut egy gyerekházasság Magyarországon*. Budapest: 1680ára.hu

187 Orsolya Szeibert. (2019). *Child Marriage in Hungary with Regard to the European Context and the Requirements of the CRC*. Budapest: Elite Law Journal 2019/1.

188 United Nations,Committee on the Rights of Child. (2020). *Concluding observations on the sixth periodic report of Hungary, CRC/C/HUN/CO/6.*

189 Máté Zsolt, az INDIT Közalapítvány TÉR Közösségi Szolgálat szakembere. (2020). Personal communication.

190 Hungarian Criminal Code. (2012). Section 208. 63.

191 The provisions determining the territorial and personal scope of the Hungarian Criminal Code meet the requirements of the Second Optional Protocol.

192 Hungarian Criminal Code. (2012). Section 3 (2a). 1.

193 Hungarian Criminal Code. (2012). Section 3 (1c). 1.

194 ECPAT International, Defence for Children, Ministry of Foreign Affairs of the Netherlands. (2016, May). *Offenders on the Move: Global Study on Sexual Exploitation of Children in Travel and Tourism*. Bangkok: ECPAT International.

195 Hungarian Criminal Code. (2012). Section 3 (2b). 2.

absence of such a decision, the admissibility of the proceedings is precluded.¹⁹⁶

The law governing extradition procedures in Hungary does not contain specific rules for SEC-related offences.¹⁹⁷

A foreign person residing in Hungary may be extradited to the requesting state for the purpose of conducting criminal proceedings and serving a sentence, if the act for which extradition is requested is punishable with at least one year of imprisonment under Hungarian law as well as the requesting state's law. This means that Hungary applies the principle of double criminality for extradition which could seriously hamper the prosecution of offenders.¹⁹⁸ Moreover, extradition can be argued for if the rest of the imprisonment sentence or the enforceable part of the measure applied exceeds six months.¹⁹⁹

In the Hungarian regulations, all criminal offences that constitute a form of SEC exceed six months sanctions and therefore would fall under the extradition provisions.

The extradition of a Hungarian citizen is only allowed if the person requested to be extradited is also a citizen of another state and does not have a residence in Hungary.²⁰⁰

Within the European Union, the European Arrest Warrant (EAW) applies to the cross-border transfer of wanted criminals.²⁰¹ This framework has entered into Hungarian law with Act No CLXXX of 2012 on cooperation in criminal matters with the Member States of the European Union. According to this, a much faster procedure can be carried out. According to this framework, the transfer of a Hungarian citizen for the purpose of conducting criminal proceedings is also possible.²⁰²

In cases of extradition under the framework of EAW, if the conduct for which extradition is requested falls under one of the major crime categories set out in the framework, the court will allow the extradition without examining whether the act is punishable under the law of the requesting country. SEC and conduct related to child sexual abuse material are among those major crime categories.²⁰³

196 *Hungarian Criminal Code*. (2012). Section 3. (3). 2.

197 *Act XXXVIII of 1996 on International Legal Assistance in Criminal Matters*.

198 ECPAT International, Defence for Children, Ministry of Foreign Affairs of the Netherlands. *Offenders on the Move: Global Study on Sexual Exploitation of Children in Travel and Tourism*. (2016, May). Bangkok: ECPAT International. 92.

199 *Act XXXVIII of 1996 on International Legal Assistance in Criminal Matters*. (2012). Section 11. (1-2).

200 *Ibid*. Section 13. (1).

201 *Section 3. (1) of Act CLXXX of 2012 on cooperation in criminal matters with the Member States of the European Union*.

202 *Ibid*. Section 3. § (1)

203 Appendix 15 of *Act CLXXX. of 2012 on the on criminal cooperation with the Member States of the European Union*.

National Response to the Sexual Exploitation of Children

COORDINATION AND COOPERATION

In Hungary, the position of Ombudsman, also known as the Commissioner for Fundamental Rights, operates within the Office of the Commissioner for Fundamental Rights (OFCR). However, there is no Ombudsman specifically dealing with children's rights.²⁰⁴ Within the OFCR, the Department of Children's Rights investigates complaints regarding child rights violations that are received by the OFCR. It carries out comprehensive investigations to influence legislation and law enforcement and delivers children's rights focused communication and initiates cooperation. In 2019 a total of 58 reports, motions or resolutions were conducted, in the previous year the number was 116.²⁰⁵

The government has adopted a national strategy to combat trafficking in human beings for the years 2020-2023 and an Action Plan for its implementation for 2020-2021.²⁰⁶ The government entrusted the Ministry of the Interior with the implementation of the plan.

Implementation will be conducted with the cooperation of relevant ministries, an NGO Roundtable and the police.

The strategy pays special attention to victims of human trafficking under the age of 18. According to domestic criminal experience, victims of human trafficking are almost exclusively forced into prostitution,²⁰⁷ so the strategy puts a special focus on this form of SEC.

The strategy also focuses on the potential of the Internet being used for exploitation, so it will also touch upon the fight against online exploitation.²⁰⁸

The strategy includes intentions to review the relevant regulatory environment in the areas of prevention, education, victim identification and victim support, as well as international and domestic cooperation.

For the implementation of the measures in the national strategy, 91,000,000 HUF (approximately US\$310,000 as of January 2021) is allocated for the year 2020 and 518,500,000 HUF (approximately US\$1,770,000 as of January

²⁰⁴ OFCR. (n.d.). *Head and Deputy Commissioners for Fundamental Rights*.

²⁰⁵ OCFT. (n.d.). *Reports, motions, resolutions*.

²⁰⁶ Government Decree 1046/2020. (II. 18.) on the National Anti-Trafficking Strategy for 2020-2023 and the Action Plan to be implemented in the period 2020-2021.

²⁰⁷ Report of the Commissioner for Fundamental Rights of Hungary in case AJB-1485/2018 OFCR. (2019). *Report of the Commissioner for Fundamental Rights in case No. AJB-1485/2018*.

²⁰⁸ Government Decree 1046/2020 (II. 18.) on the National Anti-Trafficking Strategy for 2020-2023 and the Action Plan to be implemented in the period 2020-2021.

2021) for the year 2021, partly from domestic funds and partly from European Union funds.²⁰⁹

In Hungary, the actions against human trafficking, including for sexual exploitation, are coordinated by the EU and the International Deputy State Secretariat of the Ministry of the Interior. This body ensures cooperation between various governmental and non-governmental organisations and the secretariat also operates the National Coordination Mechanism. The National Coordination Mechanism is a mandatory institution to be set up in all member states under EU Directive 2011/36, with the aim of “examining trends in trafficking in human beings, compiling statistics, measuring the results of anti-trafficking measures and reporting regularly”.²¹⁰

In Hungary, in contrast with other EU Member States, a governmental and a non-governmental round table operate in parallel, in an informal way and not as a referral or coordination mechanism.^{211,212}

PREVENTION MEASURES, AWARENESS-RAISING AND EDUCATION

Within the Hungarian state organisational system, training and awareness-raising campaigns related to the prevention of SEC are carried out almost exclusively by the central and regional bodies of the National Police Headquarters (ORFK).²¹³ It is worth mentioning that in the majority of cases there is no information about the direct results of these training and educational programmes. The ORFK however plans to start monitoring the results, and conduct follow-ups in relation to its

trainings, and develop studies on the effectiveness of certain programmes.²¹⁴ The most recent reports by the Council of Europe’s Group of Experts on Action against Trafficking in Human Beings released in 2015 and 2019 highlighted the need to reach out to vulnerable children living in marginalised areas through prevention and awareness-raising programmes and stressed the importance of training professionals working in basic and specialist care.²¹⁵ The 2019 report also mentioned the appointment of specialised police chiefs in 2019. At the end of 2019, the ORFK organised a three-day training for them, during which they received lectures on cooperation with non-governmental organisations related to the identification and protection of victims and the use of special investigative techniques.²¹⁶

Within the ORFK there are several internal training sessions focusing merely on or touching upon SEC related issues and crimes. This training focuses on issues such as the uniform implementation of police duties related to exploitation in prostitution and human trafficking, the introduction and relevance and usage of the International Child Sexual Exploitation database hosted by INTERPOL and on victim identification. ORFK has compiled an e-learning material for the identification of victims of human trafficking and on the domestic regulation on human trafficking and related crimes. Training is mandatory for criminal justice personnel involved in the identification of victims of human trafficking and the detection of related crimes. In the second half of 2019, the course was completed by 1,230 people.²¹⁷ In 2019, the ORFK launched an internal training on the techniques of questioning an abused and traumatised child. From 2021, this will also be included in the training programme of the Faculty of Law Enforcement of the National Civil Service University.²¹⁸

²⁰⁹ *Ibid.*

²¹⁰ Directive 2011/36/EU of the EUROPEAN PARLIAMENT AND OF THE COUNCIL of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA.

²¹¹ European Commission. (2020). *Study on reviewing the functioning of Member States’ National and Transnational Referral Mechanisms HOME/2018/ISFP/PR/THB/0000*. Luxembourg: Publications Officer of the European Union.

²¹² Ministry of Interior. (n.d.) *NGOs participating in the coordination mechanism for the fight against trafficking in human beings*.

²¹³ ORFK. (2020). Request for data of public interest.

²¹⁴ *Ibid.*

²¹⁵ Group of Experts on Action against Trafficking in Human Beings. (2015). *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Hungary; see also: Second evaluation round*. (2019).

²¹⁶ ORFK. (2020). Request for data of public interest.

²¹⁷ *Ibid.*

²¹⁸ *Ibid.*

The ORFK organises external training and prevention and awareness raising programmes such as the joint conference of 2018 with Hanns Seidel Foundation on “The dangers that children fleeing from orphanages, residential homes, foster parents face.” A total of 200 people, police officers, social care and child protection professionals of local government, family helpers and employees of NGOs attended.²¹⁹ The aim of the event was to foster more effective cooperation between the participants and the institutions they represent, as well as to provide professionals and persons dealing with minors with information about the dangers of exploitation in prostitution and the pathways leading to victimisation. In the same year a joint awareness raising day programme was organised in several child protection institutions. The police presented a programme, entitled “Are you sure you want this!”, which was developed to raise awareness on the dangers of sexual exploitation among children in child institutions. Within the framework of the programme, using the tools of drama pedagogy, they presented a play “I stand up for you”, made in 2016 in partnership between the Névtelen Utak Foundation and the KVTársulat, to raise awareness on SEC. A total of 40 tutors and 60 girls between the ages of 14-18 living in the institution participated.

In Hajdú-Bihar County the ORFK participated in the BARISHEJ (Roma word, meaning ‘big girl’) programme in the academic year of 2019/2020. A series of 18 lectures were held for 20 cumulatively disadvantaged Roma girls between the ages of 12-18 on how to avoid victimisation. During the lectures, the police specifically addressed the dangers of working abroad, the phenomenon of human trafficking and the exploitation of children in prostitution.²²⁰ In the same year police held lectures for orphanage and high school students on the same topics. During the series, 266 lectures were held for 6,674 students and 46 lectures were organised for 469 parents to receive the necessary information.²²¹

²¹⁹ *Ibid.*

²²⁰ *Ibid.*

²²¹ *Ibid.*

²²² ORFK. (2016) Instruction 16/2016 (VII.21) on the uniformed implementation of child and youth protection programmes.

²²³ Airline Ambassadors International is one of the best known organizations in the U.S. providing sensitization training for airlines.

²²⁴ Ministry of Interior. (n.d.). *Fight against human trafficking – Public awareness raising training on human trafficking.*

²²⁵ International Organization for Migration & ORFK. (n.d.).*Don't let it happen! – about the campaign.*

²²⁶ International Organization for Migration. (2020). *Don't let it happen, don't make it happen! - Counter-Trafficking Campaign.*

²²⁷ Anthropolis Association. (n.d.). *Timeless Slavery..*

²²⁸ INDIT. (n.d.). *CSAT Project for healthy relationships.*

The ORFK have been conducting the DADA and ELLEN-SZER programmes since 2016, which aim to avoid victimisation and crime. The programmes are held in public education institutions around the country, on topics such as the vulnerability factors related to SEC and the risks leading to it.²²² In the school year of 2018/2019, 21,222 students from 303 schools participated in the DADA programme. The ELLEN-SZER programme involved 2,683 students from 48 schools.

The Airline Ambassadors International²²³ held two-day training for airport workers in 2015 on sexual exploitation in the field of tourism organised by the Hungarian Ministry of the Interior.²²⁴

Regarding activities and campaigns promoted by international organisations and civil society, it is worth mentioning the “Don’t let it happen!” campaign: a joint project of the International Organization for Migration, ORFK, and the Ministry of Interior to curb human trafficking carried out in 2017-2018. The objective of the project was to increase awareness in the Hungarian society about exploitation and human trafficking, and to ensure that those belonging to the most vulnerable groups have effective means to take action against their own victimisation.²²⁵ Currently the organisers with the involvement of the Trauma Centre are working on the expansion of the project, the ‘Don’t let it happen, don’t make it happen!’²²⁶ In recent years, the Anthropolis Association has implemented the most comprehensive and diverse awareness-raising and education campaign on modern slavery in Hungary, with explicit emphasis on SEC. In 2015-2016 the programme reached approximately 500 people in direct activities and approximately a further 100,000 through the media and on-going trainings.²²⁷

The CSAT Project²²⁸ of the INDIT Foundation concentrates on mental health issues among

risk factors of victimisation in SEC, particularly focusing on relationship violence and well-functioning of relationships. The programme was implemented in four public education institutions in Baranya County in 2019 as a targeted prevention programme.²²⁹

With the involvement of the residents of the Esztergom Child Care Institution, movie director Márta Schermann has spent a year preparing a play on the exploitation of children in prostitution, the victimisation of children in institutional care and the prostitution of adults.²³⁰ In 2016 it was played several times in the Trafó Theater of Budapest.²³¹

The Opportunity for Families 2005 Foundation has been conducting trainings since 2013 in primary and secondary schools nationwide, entitled “Prevention Class-Teacher Classes: Domestic Violence and Trafficking in Human Beings”. The programme has followed up with implementers returning to classes each year.²³² The Foundation, the Crime Prevention Department of the ORFK, the Ministry of Justice, the Ministry of Finance, and the Baptist Charity Service compiled material in 2018 entitled “Organizing Victim Protection Trainings Related to Combating Trafficking in Human Beings”. The focus of the project was on the identification of victims. Its target groups were actors in the social care system and child protection. A curriculum was developed within the project and 625 people attended the training.²³³

CHILD PROTECTION, ACCESS TO JUSTICE AND RIGHT TO REMEDIES FOR CHILD VICTIMS OF SEXUAL EXPLOITATION

There are no separate bodies within the Hungarian Police specifically created to deal with cases related to SEC.

The Cybercrime Division of the National Investigation Bureau of the Rapid Response and Special Police Service have competence over the investigation, international cooperation, information exchange and education as well as monitoring relevant websites and chats about crimes related to online manifestations of SEC and crimes directly linked to it – such as crimes against sexual freedom and sexual morality.²³⁴

As the only independent organisational unit, the Child and Youth Protection Department of the Investigation Department of the Budapest Police Headquarters is responsible for – among other tasks not related to cybercrime – investigating SEC in the capital city, often with international links. However, its jurisdiction does not cover the whole country; acts committed outside the territory of Budapest are not investigated by this special unit,²³⁵ as priority crimes committed against children are within the competence of the county police.²³⁶

In 2019, specialised heads of human trafficking professionals (22 people) were appointed at the county police headquarters to increase the efficiency of investigations.²³⁷

²²⁹ *Ibid.*

²³⁰ Trafó. (n.d.). Schermann Márta: Árvaálom_

²³¹ *Ibid.*

²³² Sebhelyi Viktória. (2020). Personal communication.

²³³ *Ibid.*

²³⁴ ORFK. (2020). Personal Communication.

²³⁵ *Ibid.*

²³⁶ BM decree 25/2013. (VI. 24.) on the powers and competences of the police investigative authorities

²³⁷ ORFK. (2020). Personal Communication.

Within the Hungarian system of public prosecutors, under the supervision of the Deputy Chief Public Prosecutor operates the Department of Public Administration on Child Protection and Environmental Protection.²³⁸ The Department oversees the legality of the institutions of juvenile offenders, but also acts on matters and monitors those where a minor is present as a victim or as an accused. Where appropriate, it shall also initiate the protection of the minor subject to the proceedings.²³⁹

Within the Hungarian Court System there are no separate departments that deal specifically with cases where the child is present as a victim.

National complaint mechanisms

In child protection in Hungary the primary goal for children is to be raised in their families, so the main task of the care system is the prevention of removal from the families and to eliminate the causes of vulnerabilities to a range of issues.²⁴⁰ The Child Protection Act defines the members of the alerting system, the professionals and institutions who are obligated to notify the relevant authorities or initiate official proceedings in the protection and interest of the child.²⁴¹ According to the Child Protection Act, the members of the alerting system are for example health service providers, general practitioners, the police, educational institutions and the guardianship authority.²⁴²

If a Hungarian child becomes a victim abroad, the relevant minister and the Department of Child Protection and Guardianship of the Ministry of Human Capacities must take the necessary steps after the state where the victim has been identified has contacted the Hungarian

authorities.²⁴³

The members of the alerting system are obliged to report to the child welfare service if there is a risk of an endangered child. Official proceedings must be initiated in case of suspected or known child abuse.²⁴⁴ If the child is suspected of being a victim of a crime, the guardianship authority will file a report for prosecution. If a sexual offence against a child has been committed to the detriment of a child the offence is exempt from the statute of limitations.²⁴⁵ All citizens and social organisations working for the interests of children can report when a child is at risk of or is being endangered or abused, but it is not prescribed by law.²⁴⁶ Anonymous reports will also be processed if they relate to a minor.²⁴⁷ Most often, employees of educational institutions use the possibility of reporting.²⁴⁸

The members of the alerting system are obliged to cooperate with each other and inform each other.²⁴⁹ However, the mechanisms mentioned above are not completely successful, due to the lack of information and inadequacy felt by members of the alerting system, the high number of cases and the low number of professionals. This means that vulnerabilities in many cases are not adequately or not at all identified.²⁵⁰ Several shortcomings and problems in the functioning of the child protection system can be identified, which make it difficult to identify and provide effective assistance to children who are at risk of sexual exploitation or have already become victims. On the one hand, this contributes to the fact that it is more difficult for children to step out of the vicious circle of exploitation, and on the other hand, it causes a sense of failure and frustration for professionals.²⁵¹

238 General Prosecutor's instruction 2/2012. (VI. 8.) on the organization and functioning of the Public Prosecutor's Office.

239 General Prosecutor's instruction 3/2012. (I. 6.) on the public interest tasks of the Public Prosecutor's Office

240 Rácz Andrea. (2010). A hazai gyermekvédelem fejlődése a nemzetközi tendenciák tükrében. Esély Vol. 6. Nr. 4–21.

241 Section 17 (1) of Act XXXI of 1997 on the Protection of Children and the Guardianship Administration.

242 Ibid.

243 Hatvani Erzsébet Dr., Sebhelyi Viktória, Vaskuti Gergely. (2018). Gyermekprostitúció visszaszorítása, gyermekkereskedelem. 88. Budapest: Directorate-General for Social Affairs and Child Protection.

244 Act XXXI of 1997 on the Protection of Children and the Guardianship Administration.

245 Hungarian Criminal Code. (2012). Section 26. (3c). 6.

246 HSCO (2016). Gyermeksegély-A gyermekvédelmi jelzőrendszer működése, 2014. Statisztikai Tükör.

247 Ibid.

248 Ibid.

249 Act XXXI of 1997 on the Protection of Children and the Guardianship Administration.

250 Hatvani Erzsébet Dr., Sebhelyi Viktória, Vaskuti Gergely. (2018). Gyermekprostitúció visszaszorítása, gyermekkereskedelem. Budapest: Directorate-General for Social Affairs and Child Protection.

251 Ibid.

The 2020 US TIP report highlighted that the government does not have an institutional framework for identifying, managing, or supporting child victims of trafficking.²⁵² In response to these shortcomings, the Government's National Strategy for Combating Human Trafficking 2020-2023 and its Action Plan for its Implementation for the period 2020-2021 set the goal to develop more effective operation in the areas of child vulnerability, family and adult crisis detection and alert system in the form of developing guidelines and recommendations.²⁵³

The best-known helpline for child abuse in the country is operated by the Kék Vonal Child Crisis Foundation. The Helpline for Abused and Missing Children can be reached 24/7.²⁵⁴ In addition, the Directorate General for Social Affairs and Child Protection operates the Child Protection Helpline, which aims to facilitate a professional, effective and timely response to any call indicating a child in danger, regardless of the person making the call and whether or not they are obligated to report.²⁵⁵ The Telephone Witness Program of the National Police Headquarters also gives an opportunity for anonymous reporting of crimes.²⁵⁶ However, the latter two services are not specifically aimed at helping children who have experienced sexual abuse or exploitation although they can be used to report such crimes. The helplines ensure anonymity, and notify specialist services or authorities immediately if necessary, provide emotional support and practical assistance and legal advice to those in need. Data from these helplines (disaggregated by gender, age, or crime) are not publicly available and the research team working on this report has not received any information about them despite requesting them. Furthermore, it is not clear

how the different crisis lines cooperate and what protocol the different organisations follow in the case of a minor being involved in sexual exploitation.

Hungary has yet to ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, which specifically recognises that children have the right to appeal to international mechanisms specific to them, when national mechanisms fail to address violations effectively.²⁵⁷ In 2019, as a response to the initiation of the Ombudsman and the Secretary of State for Family and Youth Affairs of the Ministry of Human Resources indicated that preparations for accession to the Protocol have begun.²⁵⁸

Child-sensitive justice

The 32/2011. (XI.18.) decree of the Ministry of Public Administration and Justice launched the concept of child-sensitive (child-centred) justice in Hungary. There have been initiatives and experiments on some elements in the past (e.g. child-friendly interrogation rooms), but ensuring children's rights and the protection of children in the justice system as an overarching goal has only existed since 2012.²⁵⁹ Between 2012 and 2019, trainings, conferences and professional publications on the topic became regular and legislation has also changed in several ways – affecting child victims of human trafficking and victims of sexual violence as well. Among other things, the Act on child-friendly justice²⁶⁰ has extended the statute of limitation in cases where the crime of human trafficking is committed to the detriment of a child under 18 and has increased the penalties for certain sexual offences against a child.²⁶¹

252 United States Department of State. (2020). *Trafficking in Persons Report*. 243-248.

253 Government Decree 1046/2020 (II. 18.) on the National Anti-Trafficking Strategy for 2020-2023 and the Action Plan to be implemented in the period 2020-2021.

254 Kék-Vonal. (n.d.). *Line for lost children*.

255 Directorate-General for Social Affairs and Child Protection. (n.d.). *Child protection helpline*.

256 Police. (n.d.). *Telephone witness*.

257 UN General Assembly. (2011). Optional Protocol to the Convention on the Rights of the Child on a communications procedure. UN Doc. A/RES/66/138.

258 OCFR. (n.d.) *At the initiative of the Ombudsman, preparations began for the government's decision to accede to the Additional Protocol to the Convention on the Rights of the Child*.

259 Information Service for MPs. (2014). *Gyermekbarát igazságszolgáltatás*. Budapest: Office of the National Assembly, KKI.

260 Act LXII of 2012 on the Amendment of Certain Laws Connected to the Implementation of Child-friendly Justice.

261 *Ibid.*

Initially, child-sensitive justice sought primarily to provide greater protection for child victims and witnesses in proceedings.²⁶² Section 62 / C. (1) of Act XIX of 1998 on Criminal Procedure introduced the concept of a victim in need of special treatment. Victims under 18 and victims of human trafficking were automatically counted as such. Later, mainly thanks to Act XC. Of 2017 on Criminal Proceedings, this was supplemented also by further procedural safeguards.²⁶³ Since 1 July 2018, children are entitled to special treatment in accordance with the provisions of the new Act on Criminal Proceedings.²⁶⁴ A particularly important change for victims of human trafficking under 18 is the possibility of avoiding face-to-face confrontation with alleged perpetrators in court (via use of video conferencing for giving evidence), classified data management, increased protection of privacy, video and audio recording of testimonies (to reduce the number of repeated testimonies) and the fact that psychologists, experts, helpers and supporters may be present in addition to the child during certain procedural acts.²⁶⁵ However, no data is publicly available on the extent to which these new measures are used in practice since 2018 and how much they have actually reshaped procedures.

One important aspect of child-friendly justice is the operation of special interrogation rooms used to question children. Such interrogation rooms have been systematically built since 2012 in the police buildings and courts – the latter can't be used for criminal proceedings since the new Act on Criminal Proceedings but between 2016 and 2019 these special rooms were used in the courts in a total of 1,874 cases²⁶⁶ (currently a total of 59 such rooms are available).²⁶⁷

According to the National Judicial Office, there is no specific data on the type of crimes in which these rooms have been used.²⁶⁸

Special interrogation rooms are available in all county police headquarters (in 2020 there are a total of 29). In accordance with the new Act on Criminal Proceedings entering into force in 2018, some of these are used for both child victims under 18 and other victims and witnesses receiving special treatment.²⁶⁹ The police used these special interrogation rooms in 1,293 cases in 2019.²⁷⁰ This year, the number of reported sexual offences committed against children was 1,225.²⁷¹ Based on these numbers, it can be assumed that in the case of children who have become victims of such crimes, the interrogation takes place mainly in the special interrogation rooms.

While the framework of child friendly interrogation is determined by the new Act on Criminal Proceedings, the applicable questioning techniques and methods are not uniform and much depends on the sensitivity, abilities and skills of the professionals.

Access to recovery and reintegration

The Victim Support Service, operated by the Ministry of Justice, treats victims of human trafficking as a priority group and provides them with financial support in the form of immediate financial assistance or state compensation.²⁷² Victims of child abuse, exploitation in prostitution and human trafficking are also assisted by the National Crisis Management and Information Telephone Service, which provides accommodation for victims if necessary.²⁷³

262 This is not the subject of the Report, but child-friendly / child-centered justice is not limited to criminal proceedings and the protection of children involved in criminal offenses.

263 Also extended to children in conflict with the law.

264 Section 85–89. of Act XC of 2017 on Criminal Proceedings.

265 *Ibid.*

266 Data issued by OBH in August . (2020 as part). Request for data of a public interest data request.

267 ORFK. (2020). Request for data of public interest.

268 An average of 4,000 crimes are committed each year with a child victim. Thus, we can say that about 1.5 percent of the total number of the involved make use of the special hearing rooms in court. To qualify for this ratio, it would be necessary to know the total number of cases where a child victim was heard as a witness - but we do not have data on this.

269 Section 82. of Act XC of 2017 on Criminal Proceedings.

270 ORFK. (2020). PublicRequest for data requestof public interest.

271 Unified Investigation and Prosecution Crime Statistics. (2020). Sexual offences for the detriment of a child.

272 Ministry of Justice. (n.d.). *Victim Support Service*.

273 Ministry of Justice. (n.d.). *Victim Support Service*.

According to information provided by the government-operated Victim Support Service, in 2019 a total of 35 cases (10 girls and 25 boys) were registered regarding sexual exploitation involving children under 18.²⁷⁴

The Victim Support Service provides financial and information assistance to victims of crime.²⁷⁵ Financial support means applying for state compensation and immediate financial assistance. Information assistance refers to being informed about the rights of victims and the benefits and institutions available. Additional tasks are required in relation to non-Hungarian victims of human trafficking. These victims are given a month to decide whether to cooperate with the authorities or not. During this period, third country victims of human trafficking are entitled to a temporary residence permit and in the case of cooperation, a permanent residence permit.²⁷⁶

The amended Child Protection Act which came into effect from 1 July 2020 was supplemented with recommendations specifically for children who are suspected victims of human trafficking. The Act makes no distinction between different forms of sexual exploitation. Those children who would have previously been seen as violating the prohibition on offering sexual services are now protected from infringement proceedings and are now included in the Act as suspected victims of human trafficking.²⁷⁷ They must be provided with special care in the framework of care homes²⁷⁸ and as part of general protection measures,²⁷⁹ temporary placement in one of the special institutions designated for the reception of a child who is a suspected victim of human trafficking. These measures apply to children – regardless of gender – with Hungarian citizenship, children residing in the territory of Hungary; unless otherwise prescribed by an international treaty, to a child with settled,

immigrant or tolerated status, a child recognised as a refugee, a person with subsidiary protection or stateless person. These measures also apply to children without Hungarian citizenship living in the territory of Hungary, if waiving the non-temporary placement, educational supervision or guardianship placement would result in endangering a child or would cause irreparable damage.²⁸⁰

Access to compensation

There are no explicit provisions in Hungarian law regarding the compensation of children who have been victims of sexual exploitation. However, victims of crime can apply for financial compensation and assistance in several ways.

It is possible to enforce a civil claim for compensation or restitution in connection with a criminal offence in criminal proceedings (adhesion procedure).²⁸¹ However, its fulfilment is uncertain as it depends on the convicted person's financial situation.

In civil damages lawsuits, the victim can assert their claim against the perpetrator as a defendant in the form of restitution (non-financial damage) if they were unable to or did not try to enforce it during the criminal proceedings.²⁸²

Victims of crimes committed in Hungary or a person who has suffered harm, physical or mental injury, emotional shock or property damage as a direct result of a crime committed in Hungary may request immediate financial assistance and state compensation from the Hungarian state.²⁸³

In addition to Hungarian citizens, a citizen of any EU member state, a third-country national legally residing in the EU, a stateless person

²⁷⁴ Ministry of Interior. (2020). Request for data of public interest.

²⁷⁵ *Ibid.*

²⁷⁶ Section 24. (3)b) of *Act CXXXV of 2005 on the assistance and public compensation to victims of crime*.

²⁷⁷ Section 7 and 8 of *Act V. of 2020 on the amendment of certain acts necessary to combat the exploitation of victims of human trafficking*.

²⁷⁸ Section 53 (2) of *Act XXXI of 1997 on the Protection of Children and Guardianship Administration*.

²⁷⁹ Section 76/B. of *Act XXXI of 1997 on the Protection of Children and Guardianship Administration*.

²⁸⁰ Section 4 of *Act XXXI of 1997 on the Protection of Children and Guardianship Administration*.

²⁸¹ *Act XC of 2017 on Criminal Proceedings*.

²⁸² Hungarian Civil Code. (2013). Section 2:52

²⁸³ *Act CXXXV of 2005 on the assistance and public compensation to victims of crime*.

legally residing in Hungary, a person identified as a victim of trafficking and who is entitled to do so under an agreement concluded with Hungary by their country of nationality is also entitled to immediate financial assistance and compensation.²⁸⁴

According to the law, a victim in need is entitled to state compensation if they have been the victim of an intentional violent crime, and their physical integrity and health have been seriously damaged as a result.²⁸⁵

State compensation is also conditional on the victim's need, which is determined by their income. Particularly disadvantaged people, as defined by law, receive state compensation without examining their income situation. This group does not specifically include those under the age of 18 who have been victims of sexual exploitation.²⁸⁶

In 2019 the maximum amount of the compensation was 1,915,755 HUF (approximately US\$6,520 as of January 2021), and has risen to 2,128,125 HUF (approximately US\$7,250 as of January 2021) in 2020.²⁸⁷

Applications for damages may be submitted within three months of the offence committed.²⁸⁸ An application for compensation can be submitted to any regional body of the Victim Support Service.

In 2019, Victim Support Services provided compensation in a total of just 48 cases. In that year, only one victim of sexual exploitation under the age of 18 received compensation.²⁸⁹

Applications for immediate financial assistance may be submitted within five days of the offence committed. Such financial assistance can be requested to cover certain specific expenses (e.g. housing, food, clothing, and medical expenses).²⁹⁰ In 2020 the maximum amount of the financial assistance was 141,875 HUF (approximately US\$490 as of January 2021).

In 2019, the Victim Support Service made a positive decision on the payment of immediate financial assistance a total of 759 times.²⁹¹ In 2019, the Victim Support Service did not provide immediate financial assistance to any child victim of sexual exploitation.²⁹² These procedures cannot successfully be initiated by child victims alone because they require the signature of a parent or guardian.²⁹³

284 *Ibid.* Section 1. (1)

285 *Ibid.* Section 6. (1)

286 *Ibid.* Section 6. (3)

287 Ministry of Justice. (2020). Request for data of public interest.

288 Section 30 (1) of Act CXXXV of 2005 *the assistance and public compensation to victims of crime*.

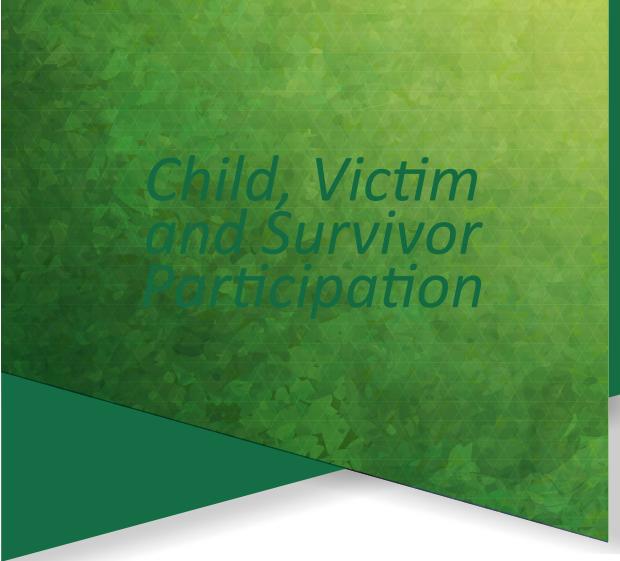
289 Ministry of Justice. (2020). Request for data of public interest.

290 Section 4 (3) of Act CXXXV of 2005 *the assistance and public compensation to victims of crime*.

291 Ministry of Justice. (2020). Request for data of public interest.

292 *Ibid.*

293 Victim Support Center Budapest. (2020). Personal communication.



Child, Victim and Survivor Participation

No mechanisms for child, victim and survivor participation in influencing policy and action was identified. In Hungary, formal children's representative bodies (student's councils, child and youth municipalities) operate at both regional and national level, but there is a lack of publicly available information about their actual work and background, especially in a way that is comprehensible to children. These children's representative bodies provide limited opportunities for children to be meaningfully involved in public decision-making, as they focus more on sports and leisure activities and events (e.g. a one-day trip to the Parliament), operating without accountable measures.

The discourse on children's participation in public decision-making is generally politicised. Student demonstrations are often associated with political parties by a significant portion of the public. They are often underestimated, and there have also been examples of participation with negative consequences within the school and the media. This kind of expression is seen by many as a political statement, thus deterring parents, schools and, of course, children from standing up for themselves and the issues affecting them.²⁹⁴

294 Németh Barbara. (2020). Personal communication.

Recommendations for Action

International and regional legislation, commitments and coordination to ending SEC

- ➔ Accede to the Optional Protocol to the Convention on the Rights of the Child on a Communication Procedure.

National response to SEC's manifestations

- ➔ Adopt specific legal provisions to criminalise the sexual exploitation of children in travel and tourism.
- ➔ Introduce a requirement for travel and tourism companies to become members of The Code.
- ➔ Establish 18 as the legal age of marriage without any possible exception.
- ➔ Revise crimes related to online child sexual exploitation included in the Criminal Code, either in terms of the decriminalisation of certain conduct (e.g. sexting) or a clear standardisation of law enforcement practice.
- ➔ Adopt a formal definition of child sexual abuse material in line with the OPSC.
- ➔ Remove the double criminality requirement in all extraterritorial and extradition provisions.

- ➔ Promote the operating Internet hotlines, increase their visibility and establish cooperation and an effective referral system between the various helplines.
- ➔ Ensure the further qualification of professionals dealing with child victims and organise more trainings focusing on the sexual exploitation of children.
- ➔ Include school classes explicitly addressing sexual abuse and exploitation and the risk factors into the National Core Curriculum.
- ➔ Develop a common knowledge material and professional protocol on the trauma-informed approach.
- ➔ Develop a child safeguarding policy or directive for child protection institutions and institutions working with children, which regulates prevention, possible reactions to child abuse and includes complaint mechanisms as well.
- ➔ Identify vulnerabilities in a timely and appropriate manner, helping victims to enter the appropriate institution.
- ➔ Develop family support mechanisms, social interventions, employment systems, alternatives to institutional care and wider policy measures for early prevention purposes.
- ➔ Develop a unified mechanism and protocol to facilitate the identification of victims which contain the knowledge system for the recognition of trauma and abuse.

- ➔ Emphasise the responsibility of the media related to the exploitation of children in prostitution. In reporting on sexual violence against children, it is important to highlight children as victims and underscore the responsibility of perpetrators, thus strengthening the information source and prevention role of the media.

Access to justice and right to remedies for child victims of sexual exploitation

- ➔ Ensure genuine extraordinariness (closure of proceedings as soon as possible) in the case of offences against a child, in line with the principles set out in the guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice.
- ➔ Ensure the provision of continuous and comprehensive information to the child during investigation, court and other administrative procedures about the procedure in general, the upcoming steps and the available options.
- ➔ Provide the necessary funding to all institutions and NGOs providing supporting services for victims of sexual exploitation of children.
- ➔ In cooperation with professional organisations, consider the role of the Barnahus programme in Hungary in the cases of victims of sexual exploitation of children.
- ➔ Promote the application of a trauma-informed approach amongst those who are involved in specialist care and the members of the safety network (police, carers, judges, etc.).
- ➔ Take into account the views, fears, desires, the situation of the child's family, their safety and physical and mental condition while assessing the best interest of the child in child protection and judicial procedures.
- ➔ Provide more training for professionals who come into contact with child victims during the investigative phase.

- ➔ Develop policies to constantly include the child victims and their opinion and remarks throughout the victim identification and assistance in order to earn the trust of the child in the authorities, to open them up to cooperation. This might contribute to preventing the risk of them fleeing and the dangers of re-victimisation and ensure that the measures introduced are sustainable and that public resources are used efficiently.

Child, Victim and Survivor Participation

- ➔ Include and assess the needs and recommendations of survivors of child sexual exploitation while developing strategies to address and prevent sexual exploitation of children.

Research needs and agenda

- ➔ Examine the possible risks that increased tourism and hospitality pose on child protection, with a special focus on the sexual exploitation of children.
- ➔ Collect data on the number of children that are affected by sexual exploitation in travel and tourism in Hungary.
- ➔ Harmonise data collection at a national level amongst institutions (standardised, unified data collection system), gather and publish relevant data in an easily processable way.
- ➔ Study the consequences and risks of the increased use of online space during the COVID-19 pandemic and in general for scientific purposes. Organise communication and awareness - raising campaigns that increase the safety of children's online presence.
- ➔ Collect data and conduct research on the area of child and forced marriage with a special focus on the traditions and cultural specificities of the Roma community.

Acronyms

OCFR	Office of the Commissioner for Fundamental Rights
CSEM/CSAM	Child sexual exploitation material/Child sexual abuse material
CRC	Committee on the Rights of the Child
DADA	Smoking, Alcohol, Drug, AIDS
EAW	European Arrest Warrant
EU	European Union
GDP	Gross Domestic Product
IH	Internet Hotline
INDIT	Integrated Drug Therapy Institute
NMIA	National Media and Infocommunications Authority
OCSE	Online child sexual exploitation
OPSC	Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography
ORFK	National Police Headquarters
SDGs	Sustainable Development Goals
SEC	Sexual exploitation of children
SECTT	Sexual exploitation of children in travel and tourism
TIP	Trafficking in Persons Report
UN	United Nations
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
UNWTO	World Tourism Organization



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